

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption ) DOCKET NO. 960587-WS  
from Florida Public Service ) ORDER NO. PSC-96-1252-FOF-WS  
Commission Regulation for ) ISSUED: October 8, 1996  
Provision of Water Service and )  
Non-jurisdictional Finding for )  
Provision of Wastewater Service )  
in Orange County by Audubon )  
Village Manufactured Home )  
Community. )  
\_\_\_\_\_ )

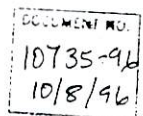
ORDER INDICATING THE NONJURISDICTIONAL AND EXEMPT STATUS  
OF AUDUBON VILLAGE MANUFACTURED HOME COMMUNITY  
FOR WASTEWATER SERVICE AND WATER SERVICE, RESPECTIVELY,  
AND CLOSING DOCKET

BY THE COMMISSION:

On March 13, 1996, Chateau Audubon Village filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Upon review of the application, it was determined that the correct name of the applicant is Audubon Village Manufactured Home Community (Audubon Village). Audubon Village, which has 281-units, is located at 6565 Beggs Road, Orlando, Florida. Audubon Village is owned by Chateau Properties, Inc. Mr. Robert S. Munro, Director of Utilities, and primary contact person, filed the application on behalf of Audubon Village.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.022(8), Florida Statutes, and Rule 25-30.060(1), (2) and (3)(h), Florida Administrative Code.

After further review of the application, it was determined that Audubon Villages also qualifies for a nonjurisdictional finding pursuant to the provisions of Section 367.021(12), Florida Statutes, for the provision of wastewater service. Section 367.021(12), Florida Statutes, states that a "utility means a water or wastewater utility and except as provided in Section 367.022, includes every person, lessee, trustee, or receiver owning, operating, managing or controlling a system, or proposing construction of a system, who is providing or proposes to provide water or wastewater service to the public for compensation." According to the application, Audubon Village does not intend to



charge the residents for wastewater service. All costs for providing wastewater service are treated or recovered as operational expense.

As stated previously, Audubon Village filed for exemption pursuant to the provisions of Section 367.022(8), Florida Statutes. Section 367.022(8), Florida Statutes, states, in part, that "[a]ny person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof," and who complies with certain reporting requirements, is exempt from Commission regulation.

According to the application, Audubon Village provides service only to the manufactured home community located at 6565 Beggs Road, Orlando, Florida. Audubon Village intends to purchase water and wastewater from Orange County Public Utilities and resell it to its residents at a rate that does not exceed the actual purchase price. Audubon Village has two 2-inch master meters. The residents will be charged a prorated share of all fixed and variable charges for the water service. Audubon Village will be responsible for service to common areas and vacant apartments. No administrative or processing fees or miscellaneous charges will be charged to the residents and no customer deposits will be collected.

Audubon Village is aware of the requirements of Section 367.122, Florida Statutes, and Rules 25-30.111 and 25-30.262 through 25-30.267, Florida Administrative Code. In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Munro acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based on the facts as represented, we find that Audubon Village is exempt from our regulation pursuant to Section 367.022(8), Florida Statutes, for water service. We further find that Audubon Village is not a wastewater utility pursuant to the provisions of Section 367.021(12), Florida Statutes. However, the owner of Audubon Village or any successors in interest are put on notice that if there is any change in circumstance or method of operation which causes it to no longer qualify for exemption pursuant to Sections 367.021(12) and 367.022, Florida Statutes, it should inform the Commission within 30 days of such change so that its status may be reevaluated.

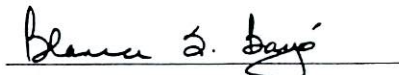
It is, therefore,

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ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Audubon Village Manufactured Home Community, 14205 East Colonial Drive, Orlando, Florida 32826, is hereby exempt from Commission regulation for provision of water service pursuant to the provisions of Section 367.022(8), Florida Statutes. Further, Audubon Village Manufactured Home Community is not a wastewater utility subject to the provisions of Section 367.021(12), Florida Statutes. It is further

ORDERED that Docket No. 960587-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 8th day of October, 1996.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of

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this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.