

MEMORANDUM

April 6, 1998

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FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FERGUSON) *CF* *MS*

RE: DOCKET NO. 971049-SU - ACKNOWLEDGMENT OF EXEMPT STATUS OF HOLIDAY OUT AT ST. LUCIE AND CANCELLATION OF CERTIFICATE NO. 484-S IN ST. LUCIE COUNTY.

98-0490-FOF-SU

Attached is an ORDER ACKNOWLEDGING THE EXEMPT STATUS OF HOLIDAY OUT AT ST. LUCIE, CANCELLING CERTIFICATE, AND ORDERING THE FILING OF THE 1997 ANNUAL REPORT, REMITTING REGULATORY ASSESSMENT FEES, AND CLOSING DOCKET, to be issued in the above-referenced docket.

(Number of pages in order - 5)

CF/lw

Attachment

cc: Division of Water and Wastewater (Clapp)

I:971049or.cf

See 1-3

*marked RAR - RHR*  
*4/8/98*  
*to Holder*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Acknowledgment of exempt  
status of Holiday Out at St.  
Lucie and cancellation of  
Certificate No. 484-S in St.  
Lucie County.

DOCKET NO. 971049-SU  
ORDER NO. PSC-98-0490-FOF-SU  
ISSUED: April 7, 1998

The following Commissioners participated in the disposition of  
this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

ORDER ACKNOWLEDGING THE EXEMPT STATUS OF HOLIDAY OUT  
AT ST. LUCIE, CANCELLING CERTIFICATE, AND  
ORDERING THE FILING OF THE 1997 ANNUAL REPORT,  
REMITTING REGULATORY ASSESSMENT FEES, AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Holiday Out at St. Lucie, Inc., (Holiday Out or utility) is a Class C utility serving approximately 891 general service wastewater customers in St. Lucie County, south of Fort Pierce near the Martin County line. The utility's 1996 annual report on file with the Commission lists annual revenues of \$131,313 and net operating earnings of \$35,212. The regulatory assessment fees are current through 1996.

Holiday Out became a jurisdictional utility when the St. Lucie County Commissioners transferred jurisdiction to the Public Service Commission on October 1, 1992. The utility provided service to three adjacent mobile home villages and one general service customer.

This Order addresses the interconnection of the Holiday Out system to St. Lucie County, filing of the 1997 annual report,

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FLORIDA PUBLIC SERVICE COMMISSION

remitting regulatory assessment fees, and the cancellation of Certificate No. 484-S.

ACKNOWLEDGMENT OF EXEMPT STATUS

By letter dated August 14, 1997, Holiday Out informed us that St. Lucie County had established a regional wastewater system and that all customers of Holiday Out had been interconnected to the regional system to receive wastewater service from St. Lucie County. The main mobile home village (also named Holiday Out) interconnected to the county, but retained ownership of its internal collection system. The adjacent mobile home villages (members of Venture Three, Inc.) and the general service customer were interconnected separately to the County.

By letter dated October 29, 1997, the St. Lucie County Utilities Department verified that a regional wastewater system had been installed, however, the existing on-site collection system and related appurtenances remained the responsibility of the Holiday Out complex.

By letter dated November 26, 1997, Holiday Out stated that it is a condominium association and all utility collection lines are maintained as part of the common elements belonging to all the owners at Holiday Out and that no service is provided to the public. By letter dated January 13, 1998, Holiday Out indicated it is registered with the Division of Land Sales and Condominiums, Department of Business Regulations in Tallahassee, and all owners at Holiday Out are members of the Holiday Out Condominium Association by virtue of the Declaration of Condominium.

Our staff also investigated the continuing operations of the adjacent mobile home villages, collectively known as Venture Three, Incorporated. By letter dated February 10, 1998, Venture Three, Inc., stated that it is a not for profit corporation established to buy, sell, manage, operate, and maintain all common elements for its members. The Articles of Incorporation and Bylaws of Venture Three, Inc., also included in the letter, verify that the corporation was established for the unit and lot owners of Venture Out at St. Lucie, Inc., Venture Out at Indian River, Inc., and Venture Harbour, Inc. All water and wastewater costs are paid by Venture Three, Inc. All wastewater collection lines are maintained as part of the common elements belonging to all of the owners of Venture Three, Inc. The costs for water, wastewater, and maintenance of the collection lines are billed to the owners in the

ORDER NO. PSC-98-0490-FOF-SU  
DOCKET NO. 971049-SU  
PAGE 3

three mobile home villages as non specific annual fees. No service is provided to the public.

The St. Lucie County Utilities Department verified on February 19, 1998, and later followed up with written verification, that the official interconnection date was June 1, 1997.

Because it appears that Holiday Out satisfies the requirements for exemption pursuant to Section 367.022(7), Florida Statutes, qualifying as a non-profit, we hereby acknowledge the system as exempt, and cancel Certificate No. 484-S.

Holiday Out operated as a utility until the interconnection with the County. Therefore, by March 31, 1998, Holiday Out shall file the 1997 annual report and remit 1997 regulatory assessment fees through June 1, 1997, pursuant to Rules 25-30.110 and 25-30.120, Florida Administrative Code.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that based upon the facts as represented, Holiday Out at St. Lucie, Inc., 10725 South Ocean Drive, Jensen Beach, Florida 34957-2563 is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(7), Florida Statutes. It is further

ORDERED that Holiday Out at St. Lucie, Inc., shall be responsible for filing its 1997 annual report and remitting its regulatory assessment fees through June 1, 1997. It is further

ORDERED that Wastewater Certificate No. 484-S is hereby canceled. It is further

ORDERED that this docket is hereby closed.

ORDER NO. PSC-98-0490-FOF-SU  
DOCKET NO. 971049-SU  
PAGE 5

Procedure. The notice of appeal must be in the form specified in  
Rule 9.900(a), Florida Rules of Appellate Procedure.