

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by HARVELLE'S MOBILE)	DOCKET NO. 890585-SU
HAVEN for exemption from FPSC)	ORDER NO. 21441
regulation for a sewage treatment plant)	ISSUED: 6-26-89
in Monroe County.)	

ORDER INDICATING THE EXEMPT STATUS OF
HARVELLE'S MOBILE HAVEN

BY THE COMMISSION:

Harvelle's Mobile Haven (Harvelle's) is a mobile home park that has been in existence for many years. Its current sewage treatment plant has deteriorated and must be replaced. Harvelle's proposes to construct a new sewage treatment facility. Pursuant to Section 367.031, Florida Statutes, before the Department of Environmental Regulation (DER) will issue a construction permit, it requires either a certificate authorizing service or proof that the utility is not subject to the regulation of this Commission. Therefore, by letter and affidavit received April 24, 1989, Harvelle's has requested recognition of its exempt status.

As a matter of practice, upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or sewer facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes. Harvelle's requested recognition of its exempt status under Section 367.022(5), Florida Statutes.

The affidavit, letter, and accompanying DER permit application show that: Harvelle's provides sewer service solely to its tenants; Harvelle's does not collect any specific charge for sewer service from its tenants, as those charges are nonspecifically included in the tenants' basic monthly rents; and the proposed sewer facility is located on the premises of the mobile home park.

Section 367.022(5), Florida Statutes, states that landlords providing service to their tenants are exempt from Commission regulation. Based upon the facts as represented, we find that Harvelle's is exempt from our regulation under the terms of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Harvelle's, or any successor in interest, must inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Harvelle's Mobile Haven, located at Maloney Avenue, Stock Island, Florida 33040, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(5), Florida Statutes. It is further

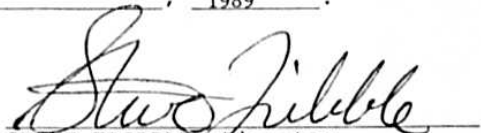
ORDERED that should there be any change in circumstances or method of operation of Harvelle's Mobile Haven's sewer

ORDER NO. 21441
DOCKET NO. 890585-SU
PAGE 2

facility, the owner of Harvelle's Mobile Haven, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission,
this 26th day of JUNE, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DCS

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 within fifteen (15) days of the issuance of 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 or sewer 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.