

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from) DOCKET NO. 900235-WS
FPSC regulation for water and sewer) ORDER NO. 22935
services in Duval County by OCEANWAY) ISSUED: 5-11-90
VILLAGE MOBILE HOME PARK)
)

ORDER INDICATING THE EXEMPT STATUS OF
OCEANWAY VILLAGE MOBILE HOME PARK

BY THE COMMISSION:

Oceanway Village Mobile Home Park (Oceanway) provides water and wastewater service to a 100-lot mobile home park in Jacksonville, Florida. Oceanway resells water and wastewater service at the same rate charged to it by the Jacksonville Electric Authority (JEA). When calculating a tenant's bill, Oceanway multiples JEA's per-gallon rate by the gallons consumed by the tenant, as determined by a reading of the tenant's individual meter. Oceanway is billed for water and wastewater through a master meter serving the entire park, and the park's bill is based on the consumption of the entire park.

Oceanway has filed a jurisdictional information form; a legal description of the area served; recent rates and charges of the utility that provides the service to Oceanway, Jacksonville Electric Authority; and an affidavit setting forth the reasons why it is exempt from FPSC regulation.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities, if the facilities qualify under the appropriate section of Chapter 367, Florida Statutes. Oceanway requested recognition of its exempt status under Section 367.022(8), Florida Statutes. Section 367.022(8), Florida Statutes, states that any 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.

The information provided by Oceanway shows that: (1) Oceanway resells water and wastewater service to its tenants at the same rate charged to it by the Jacksonville Electric Authority and (2) Oceanway acknowledges the reporting obligation under Rule 25-30.111, Florida Administrative Code. Based upon the facts as represented, we find that Oceanway is

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exempt from our regulation under the terms of Section 367.022(8), Florida Statutes. However, should there be any change in the system's method of operation or billing procedures, the owner of Oceanway, or any successor in interest, the Commission must be informed 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, Oceanway Village Mobile Home Park, located at 489 Starratt Road, Jacksonville, Florida 32218, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that applicant should comply with the filing requirements of Rule 25-30.111, Florida Administrative Code. It is further

ORDERED that should there be any change in the method of operation or billing procedure of Oceanway in the course of its providing water and wastewater services, the owner of Oceanway, 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 11th day of MAY, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MF

by: Kay Flynn
Chief, Bureau of Records

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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 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.