

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from ) DOCKET NO. 910993-WS  
Florida Public Service Commission ) ORDER NO. 25559  
regulation for provision of water and ) ISSUED: 01/02/92  
wastewater services in Seminole County )  
by Hacienda Village )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
BETTY EASLEY

ORDER INDICATING THE EXEMPT STATUS OF  
HACIENDA VILLAGE

BY THE COMMISSION:

Hacienda Village Mobile Home Park (Hacienda) is a 447-lot mobile home park in Seminole County, Florida which purchases water and wastewater services from the City of Winter Springs, Florida, and then resells these services to its tenants. Hacienda is owned by DeAnza Assets, Inc. (DeAnza), a California corporation with an office located in Fort Myers, Florida. By affidavit dated August 16, 1991, corrected affidavit dated October 8, 1991 and letter dated October 23, 1991, Hacienda requested exemption from Florida Public Service Commission regulation pursuant to section 367.022(8), Florida Statutes, as a reseller. Section 367.022(8), states that any person who resells water or wastewater service at a rate or charge that does not exceed the actual price thereof and who complies with certain reporting requirements is exempt from Commission regulation.

Pursuant to section 367.031, Florida Statutes, before the Department of Environmental Regulation will issue a construction permit and before a water management district will issue a consumptive use of drilling permit, a utility must first obtain from the Commission a certificate of authorization service or proof that the utility is not subject to Commission regulation. Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or

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wastewater facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes.

Hacienda filed the following with the Commission: a schedule of recent rates charged by the City of Winter Springs; a schedule of the rates Hacienda charged its tenants between January, 1990 and December, 1990; and an affidavit signed by Jean Whitehurst, Hacienda's General Manager setting forth the reasons why it is exempt from Commission regulation. These schedules showed that by charging \$.95/1,000 for water service, Hacienda was overcharging for water service by \$.04/1,000. Hacienda charges \$2.59/1,000 gallons for wastewater service which is the same amount charged by the City of Winter Springs.

Hacienda was purchased by DeAnza Assets in August, 1986. According to the Vice President of Eastern Operations of DeAnza Assets, Hacienda has been reselling water and wastewater service at the aforementioned rates since they purchased the property. Upon discovering the higher rate, the Commission informed Hacienda that it would either have to apply for an original certificate or reduce its rates so that it could be considered for exemption.

By letter dated October 23, 1991, the Vice President-Controller of DeAnza Assets, notified the Commission that effective November 1, 1991, the rates charged by Hacienda had been reduced to equal the amount charged by the City of Winter Springs. Included with the letter was a copy of a tenant's bill which showed the rate reduction and a refund Hacienda voluntarily made to its tenants for service between January, 1990, and October, 1991. Hacienda's new rates are as follows: \$1.14 base charge, \$.91/1,000 gallons for water service, and \$2.59/1,000 gallons for wastewater service. The \$1.14 base charge comes from prorating the base charge charged by the City of Winter Springs among the 447 units in Hacienda.

Hacienda's corrected affidavit signed by the Vice President of Eastern Operations of DeAnza Assets states that: Hacienda resells water and wastewater service to its residents at the same rate charged to it by Winter Gardens; Hacienda acknowledges the reporting requirement of Rule 25-30.111, Florida Administrative Code; and Hacienda's service area will be limited to the Hacienda mobile home park. Based on the facts as represented, we find that Hacienda is exempt from our regulation under the terms of section 367.022(8), Florida Statutes. However, should there be any change

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in circumstances or method of operation, the owner of Hacienda, or any successor in interest, must inform the Commission within 30 days of the change, so we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based on the facts as represented, Hacienda Village Mobile Home Park, located at 501 East State Road 434, Winter Springs, Florida 32708, is hereby exempt from Commission regulation pursuant to the terms of section 367.022(8), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method in which Hacienda's water or wastewater service is provided, the owner of Hacienda, or any successor in interest, shall inform the Commission within 30 days of the change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 2nd day of JANUARY, 1992.

  
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STEVE TRIBBLE Director  
Division of Records and Reporting

( S E A L )

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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

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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.