

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption) DOCKET NO. 921127-WS
from Florida Public Service) ORDER NO. PSC-93-0088-FOF-WS
Commission Regulation for) ISSUED: 01/19/93
Provision of Water and)
Wastewater Service in St.)
Lucie County by BENTONWOOD)
MOBILE HOME PARK.)

ORDER INDICATING THE EXEMPT STATUS OF
BENTONWOOD MOBILE HOME PARK

BY THE COMMISSION:

On November 3, 1992, Bentonwood Mobile Home Park (Bentonwood), located at 6041 S. U.S. Highway No. 1, Ft. Pierce, Florida, filed an application for exemption from Public Service Commission regulation pursuant to Section 367.022(5), Florida Statutes.

Bentonwood is a 65-unit mobile home park that provides both water and wastewater service to its tenants through on-site wells and an on-site wastewater plant. The lots are rented on a monthly basis to the general public.

As a matter of practice, upon request and sufficient proof, this Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes. Section 367.022(5), Florida Statutes, provides that landlords providing service to their tenants without specific compensation for the service shall not be subject to regulation by this Commission.

In addition, Rule 25-30.060(e), Florida Administrative Code, states:

For an exemption pursuant to Section 367.022(5), Florida Statutes, a statement from the landlord that it provides service to solely to tenants; that charges for service are non-specifically contained in rental charges; stating whether it provides water service, wastewater service or both; and specifying the service area. A copy of the landlord's most recent version of a standard lease or rental agreement, stating that there is no separate charge for water service, wastewater service, or both, shall be submitted with the application;...

Bentonwood's application contains the following information. Bentonwood provide water and wastewater service solely to its tenants. Bentonwood does not collect any specific charge for water or wastewater service from its tenants within the mobile home park,

DOCUMENT NUMBER-DATE

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as those charge are nonspecifically included in the tenants' monthly rental charges. In addition, the applicant's service area is limited to the mobile home park located at 6041 S. U.S. Highway No. 1, Ft. Pierce, Florida. No lease was submitted in this proceeding, because the company rents its lots on a monthly basis. Further, the application contains a signed statement acknowledging Section 837.06, Florida Statutes, regarding the penalties for making false statements.

Based on the facts as represented, we find that Bentonwood 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, Bentonwood, or its successor in interest, shall inform the Commission within 30 days of such change, so that we may determine whether exempt status is still appropriate.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Bentonwood Mobile Home Park, located at 6041 S. U.S. Highway No. 1, Ft. Pierce, Florida, with Jeffery Furst, as contact person, and a mailing address of 4982 S. 25th St., Ft. Pierce, Florida 34981, 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 Bentonwood's water and wastewater facility, the owner of Bentonwood, or any successor in interest, shall inform the Commission within 30 days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission this 19th day of January, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

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ORDER NO. PSC-93-0088-FOF-WS
DOCKET NO. 921127-WS
PAGE 3

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