

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption)	DOCKET NO. 921012-WS
From Florida Public Service)	ORDER NO. PSC-93-0089-FOF-WS
Commission Regulation for)	ISSUED: 01/19/93
Provision of Water and)	
Wastewater Service in Alachua)	
County by HICKORY HILLS MOBILE)	
HOME PARK.)	
_____)	

ORDER INDICATING THE EXEMPT STATUS OF
HICKORY HILLS MOBILE HOME PARK

BY THE COMMISSION:

On October 5, 1992, Hickory Hills Mobile Home Park (Hickory Hills), located at 2801 S.W. Archer Road, Gainesville, Florida, filed an application for exemption from Public Service Commission regulation pursuant to Section 367.022(5), Florida Statutes, as a landlord. Hickory Hills is owned by Emmer Development Corporation, which is based in Gainesville, Florida.

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;...

Hickory Hills' application contains the following information: Hickory Hills provides water and wastewater service solely to its tenants; Hickory Hills does not collect any specific charge for water and wastewater service from its tenants, as those charges are nonspecifically included in the tenants' rental charges. Hickory Hills provides both water and wastewater service and its service area is limited to the mobile home park located at 2720 S.W. Archer Road, Gainesville, Florida. A standard lease was

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submitted, which stated that there is no separate charge for water or wastewater service. Further, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

Based on the facts as represented, we find that Hickory Hills 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, Hickory Hills, or its successor(s) 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, Hickory Hills Mobile Home Park, located at 2720 S.W. Archer Road, Gainesville, Florida, with Pat Trippe as contact person, and a mailing address of 2801 S.W. Archer Road, Gainesville, Florida 32608, 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 Hickory Hills water and wastewater facility, the owner of Hickory Hills 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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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.