

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption) DOCKET NO. 921275-WS
from Florida Public Service) ORDER NO. PSC-93-0378-FOF-WS
Commission regulation for) ISSUED: 03/11/93
provision of water and)
wastewater services in Alachua)
County by University Roads, Inc.)
D/B/A Oak Park Village.)

ORDER INDICATING THE EXEMPT STATUS OF
UNIVERSITY ROADS INC. d/b/a OAK PARK VILLAGE

BY THE COMMISSION:

On December 21, 1992, University Roads, Inc., d/b/a Oak Park Village (Oak Park) filed an application for exemption from Public Service Commission regulation pursuant to Section 367.022(5), Florida Statutes, as a landlord providing service to its tenants as a non-specific portion of the rent. The physical and mailing address for Oak Park is 4000 S.W. 47th Street, Gainesville, Florida 32608 and the contact person is Delmer W. Raymer, General Manager.

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 wastewater facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes. Oak Park requested recognition of its exempt status under Section 367.022(5), Florida Statutes, which provides that landlords providing service to their tenants without specific compensation for the service shall not be subject to regulation by the Commission.

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

For an exemption pursuant to Section 367.022(5), Florida Statutes, a statement from the landlord that it provides service 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,

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or both, shall be submitted with the application;....

The application was filed in accordance with Section 367.022(5), Florida Statutes, and Rules 25-30.060(1), (2) and (3)(e), Florida Administrative Code. Included with the application was a statement from Mr. Raymer that: Oak Park provides service solely to its tenants, charges for service are non-specifically contained in the rental charges, Oak Park provides both water and wastewater service, and the service area is limited to the mobile home park located at 4000 S.W. 47th Street, Gainesville, Florida. Also included with the application is a copy of the prospectus for Oak Park Village. According to this prospectus, water and wastewater service is included in the base rent.

The applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

Based on the facts as represented, we find that Oak Park 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 Oak Park, or any successor in interest, must inform the Commission within 30 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 on the facts as represented, University Roads, Inc. d/b/a Oak Park Village, located at 4000 S.W. 47th Street, Gainesville, Florida 32608, with Delmer W. Raymer as contact person, 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 Oak Park Village's water and wastewater facility, the owner of Oak Park Village or any successor in interest, shall inform the Commission within 30 days of such change. It is further

ORDERED that this docket be closed.

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By ORDER of the Florida Public Service Commission this 11th
day of March, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

KAC

by: Kay Jeyan
Chief, Bureau of Records

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.