

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 920999-WS
From Florida Public Service) ORDER NO. PSC-93-1183-FOF-WS
Commission Regulation For) ISSUED: August 12, 1993
Provision of Water and)
Wastewater Service in St. Lucie)
County by Country Cove Mobile)
Home Park.)
_____)

ORDER INDICATING EXEMPT STATUS OF
COUNTRY COVE MOBILE HOME PARK AND CLOSING DOCKET

BY THE COMMISSION:

On October 5, 1992, Country Cove Mobile Home Park (Country Cove) filed an application with this Commission for recognition of its nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. Country Cove provides water and wastewater service to 148 lot owners within the mobile home park located at 4015 North U.S. Highway 1, Fort Pierce, Florida. Ms. June Autullo, Manager and primary contact person, filed the application on behalf of Country Cove.

Section 367.021(12), Florida Statutes, states that a "utility means a water or wastewater utility and except as provided in Section 367.022, includes every person, lessee, trustee, or receiver owning, operating, managing or controlling a system, or proposing construction of a system, who is providing or proposes to provide water or wastewater service to the public for compensation."

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. After reviewing the information filed with the application, it was determined that Country Cove does not qualify for exemption pursuant to Section 367.021(12), Florida Statutes. Country Cove does, however, qualify for exemption from Commission regulation pursuant to Section 367.022(5), Florida Statutes.

Section 367.022(5), Florida Statutes, states that an entity qualifies for exemption from Commission regulation if it provides service solely to its tenants, and there are no specific charges for the utility service. The application indicates that Country

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Cove provides water and wastewater service only to its tenants and the service territory is limited to the mobile home park. Also, the water and wastewater service is included as a nonspecific portion of the monthly rent. There were, however, references in Country Cove's Prospectus to additional charges. The Prospectus states that it is the tenant's responsibility to pay additional water and wastewater charges based on increased water consumption. In addition, the prospectus referenced the possibility of meters being installed. Country Cove's attorney, Mr. David Eastman, provided a satisfactory explanation of the additional charges and indicated that they were not now charging the charges nor do they intend to charge them. Mr. Eastman also indicated that if and when meters are installed or the additional charges are implemented, the Commission will be notified so that Country Cove's status may be reevaluated.

In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Ms. Autullo acknowledged that she is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Country Cove is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Country Cove or any successor in interest must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Country Cove Mobile Home Park, Post Office Box 3815, Fort Pierce, Florida 34948, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Country Cove Mobile Home Park or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate Country Cove's exempt status. It is further

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ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission this 12th
day of August, 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

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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.