

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 930953-WS
From Florida Public Service) ORDER NO. PSC-93-1834-FOF-WS
Commission Regulation For) ISSUED: December 27, 1993
Provision of Water and)
Wastewater Service in Palm Beach)
County by Hilltop Gardens Mobile)
Home Park.)
_____)

ORDER INDICATING EXEMPT STATUS
OF HILLTOP GARDENS MOBILE HOME PARK AND CLOSING DOCKET

BY THE COMMISSION:

On September 27, 1993, Hilltop Gardens Mobile Home Park (Hilltop or Park) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Hilltop is located at 3081 Northlake Boulevard, Lake Park, Florida. Mr. Cyrus Smith filed the application on behalf of Hilltop. Mr. Smith is the Director of Finance for the John D. and Catherine T. MacArthur Foundation, which owns Hilltop. The primary contact person is Mr. Roger Stake.

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. Hilltop previously applied for exemption from Commission regulation in Docket No. 930183-WS. The application was denied by Order No. PSC-93-0957-FOF-WS, issued June 28, 1993. That Order states, in part:

Hilltop is presently reselling the water and wastewater service it receives from Seacoast Utility Authority (Seacoast) to the individual mobile homes within the mobile home park. Hilltop employs Utility Conservation Services, Inc. (UCS) to perform billing and collecting. The rates charged to the individual units are based upon a proration of the minimum charge charged to Hilltop by Seacoast and include a pass through of the gallonage charges billed by Seacoast. This billing scenario does not qualify Hilltop for an exemption because CS(sic) adds a charge of approximately \$5.00 to each customer's monthly bill.

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FPSC-RECORDS/REPORTING

In addition to denying the exemption, Order No. PSC-93-0957-FOF-WS required Hilltop to file an application for an original certificate. In the instant Docket, Hilltop again filed for exemption from Commission regulation as a reseller, in accordance with Section 367.022(8), Florida Statutes.

As stated previously, Hilltop filed its application in the instant Docket on September 27, 1993. According to information provided with the application, Hilltop no longer collects the \$5.00 charge in excess of the rates charged by Seacoast. Set forth below are the rates charged by Seacoast.

Water

Base Charge: \$355.80
Gallage Charge: \$ 1.84 per 1,000 Gallons

Wastewater

Base Charge: \$536.66
Gallage Charge: \$ 1.33 per 1,000 Gallons

Following are the rates and charges proposed by Hilltop:

Water

Base Charge: \$2.19 per unit (\$355.80/162 units)
Gallage Charge: \$ 1.84 per 1,000 Gallons

Wastewater

Base Charge: \$3.30 per unit (536.66/162 units)
Gallage Charge: \$1.33 per 1,000 Gallons

Each unit will be metered to determine the actual usage of water and wastewater services. The meters will be read monthly and the tenants will be billed in accordance with the above rate schedules.

Section 367.022(8), Florida Statutes, states, in part, that "[a]ny person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof," and who complies with certain reporting requirements, is exempt from Commission regulation. According to Hilltop's application, service is provided at a charge that does not exceed the actual purchase price; Hilltop is aware of the requirements of Rule 25-30.111, Florida Administrative Code; Hilltop provides water and wastewater service; and the service area is limited to the mobile home park.

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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, Mr. Smith acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based on the facts as represented, we find that Hilltop is exempt from Commission regulation as a reseller pursuant to Section 367.022(8), Florida Statutes. In the event of any change of circumstances or method of operation, the owner of Hilltop or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated.


It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Hilltop Gardens Mobile Home Park, 3081 Northlake Boulevard, Lake Park, Florida 33403, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

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

ORDERED that Docket No. 930953-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 27th day of December, 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.