

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption) DOCKET NO. 940434-WS
from Florida Public Service) ORDER NO. PSC-94-0952-FOF-WS
Commission regulation for) ISSUED: August 8, 1994
provision of water and)
wastewater service in Bay County)
by PONDEROSA MOBILE HOME PARK.)
_____)

ORDER INDICATING EXEMPT STATUS
OF PONDEROSA MOBILE HOME PARK AND CLOSING DOCKET

BY THE COMMISSION:

On May 3, 1994, Ponderosa Mobile Home Park (Ponderosa or Park) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Ponderosa is an mobile home park located at 1117 South Tyndall Parkway, Callaway, Florida. Mr. Gary Russell, Owner/Manager and primary contact person, filed the application on behalf of Ponderosa.

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. The application was filed in accordance with Section 367.022(8), Florida Statutes, and Rules 25-30.060(2) and (3)(h), Florida Administrative Code. 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 Ponderosa's application, service is provided at a charge that does not exceed the actual purchase price; Ponderosa is aware of the requirements of Rule 25-30.111, Florida Administrative Code; Ponderosa provides water and wastewater service; and the service area is limited to the Park located at 1117 South Tyndall Parkway, Callaway, Florida.

The Park consists of 45 units or lots; only 33 of the lots are occupied. Because of the unusually high usage of water by the residents, Ponderosa installed individual meters and is now charging the residents for water and wastewater service. Ponderosa purchases water and wastewater service from the City of Callaway

DOCUMENT NUMBER-DATE

08031 AUG-8 1994

FPSC-RECORDS/REPORTING

and resells it to the residents of the Park at a rate that does not exceed the actual price paid to the City. The rates charged by Ponderosa are set forth below:

Water

Base Facility Charge (for the first 3,000 gallons)	\$ 5.76
Gallage Charge (per 1,000 gallons over 3,000 gallons)	\$ 1.73

Wastewater

Base Facility Charge (per unit)	\$ 6.40
Gallage Charge (per 1,000 gallons)	\$ 1.70

According to the information provided, Ponderosa is paying for the first 3,000 gallons of water used. The residents of the Park will be charged for the additional gallage as set forth above. Ponderosa will read the individual meters and the residents will be billed for actual usage. There are no miscellaneous charges or deposits, and the Park pays for water and wastewater service for the unoccupied units/lots.

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. Russell 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 Ponderosa 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 Ponderosa or any successors in interest, must inform the Commission within 30 days of such change so its exempt status may be reevaluated.

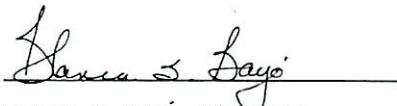
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Ponderosa Mobile Home Park, 1117 South Tyndall Parkway, Callaway, Florida 32404, 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 Ponderosa Mobile Home Park or any successors in interest shall inform this Commission within 30 days of such a change so that we may reevaluate the Park's exempt status. It is further

ORDERED that Docket No. 940434-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 8th day of August, 1994.



BLANCA S. BAYÓ, 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

ORDER NO. PSC-94-0952-FOF-WS

DOCKET NO. 940434-WS

PAGE 4

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.