

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board) DOCKET NO. 951235-WS
of County Commissioners of) ORDER NO. PSC-95-1598-POF-WS
Manatee County Declaring Manatee) ISSUED: December 27, 1995
County Subject to the Provisions)
of Chapter 367, F.S.; Request)
for Exemption from FPSC)
Regulation for Provision of)
Water and Wastewater Services by)
Lazy Acres Mobile Home Park)

ORDER INDICATING EXEMPT STATUS OF LAZY ACRES MOBILE HOME PARK

On December 6, 1995, Lazy Acres Mobile Home Park (Lazy Acres) filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. Lazy Acres' water and wastewater systems are located at 515 77th Street East, Palmetto, Florida 34221. Ms. Roberta Smith, the owner, filed the application on behalf of Lazy Acres. Ms. Smith is the primary contact person. Lazy Acres is a sole proprietorship, and provides water services by means of a well and wastewater services by means of septic systems to 19 mobile home lots and four recreational vehicle lots. The mailing address and physical address are the same.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.022(5), Florida Statutes, and Rule 25-30.060(3)(e), Florida Administrative Code.

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. Lazy Acres does not use a lease or rental agreement, but it states that it provides water and wastewater solely to its tenants and that the charges for the water and wastewater services it provides are non-specifically contained in rental charges.

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

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-95-1598-FOF-WS
DOCKET NO. 951235-WS
PAGE 2

Based upon the facts as represented, we find that Lazy Acres is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. However, Lazy Acres is hereby put on notice that if there is any change in circumstances or method of operation, it, or any successor in interest, should inform the Commission within 30 days of such change so that its exempt status may be re-evaluated.

It is, therefore

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Lazy Acres Mobile Home Park, 515 77th Street East, Palmetto Florida 34221, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. It is further

ORDERED that the Docket shall remain open to process additional applications.

By ORDER of the Florida Public Service Commission, this 27th day of December, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay DeLeon
Chief, Bureau of Records

(S E A L)

CJP

ORDER NO. PSC-95-1598-FOF-WS
DOCKET NO. 951235-WS
PAGE 3

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.