

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 970647-EU Date Docketed: 05/29/1997 Title: Request for amendment of Rule 25-6.049, F.A.C., Measuring Customer Service, by 38 tenants of record at Durand Beach Campground. Company: Earle C. Bartell

Official Filing Date: Last Day to Suspend: Expiration:

Referred to: ADM AFA APP CAF CMU EAG GCL (LEG) RAR RRR WAW (") indicates OPR

Section 2 - OPR Completes and returns to RAR in 10 workdays. Time Schedule

Program/Module B7(a)

Staff Assignments

OPR Staff C Keating, B Elias
Staff Counsel C Keating, B Elias
DCRs (EAG) J Jenkins, C Kummer

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 Current CASR revision level

1

Due Dates

Previous Current

Table with 40 numbered rows and two columns for Due Dates (Previous, Current). Includes items like 'Agenda - Regular', 'PAA Order', 'Close Docket or Revise CASR'. Previous dates include 10/07/1997, 10/27/1997, 11/27/1997.

Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel
Hearing Examiner Staff

Date filed with RAR: 06/17/1997

Initials: OPR
Staff Counsel

Section 3 - Chairman Completes

Assignments are as follows:

Hearing Officer(s)

Table with columns for Commissioners (ALL, JN, DS, CL, KS, GR), Hrg. Exam., and Staff.

Prehearing Officer

Table with columns for Commissioners (JN, DS, CL, KS, GR) and ADM.

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature] Date: 9/29/97

N

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 970647-EU Date Docketed: 05/29/1997 Title: Request for amendment of Rule 25-6.049, F.A.C., Measuring Customer Service, by 38 tenants of record at Dunedin Beach Campground.  
 Company: Earle C. Bartell

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: ADM AFA (APP) CAF CMU EAG GCL LEG RAR RRR WAW  
 ("(") indicates DPR) \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

Section 2 - DPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B7(a)

Staff Assignments

DPR Staff M Helton  
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Staff Counsel M Helton  
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OCRs (EAG) C Kummer  
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 (LEG) L Wagner  
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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (904) 413-6770  
 Current CASR revision level

1

1. FAW Notice Published
2. Agenda - Regular
3. FAW Comment Period Expires
4. PAA Order
5. Staff Recommendation
6. Agenda - Regular
7. PAA Order
8. Statutory Deadline
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Due Dates

Previous Current

NONE	06/20/1997
SAME	06/24/1997
NONE	07/07/1997
SAME	07/14/1997
NONE	07/24/1997
NONE	08/05/1997
NONE	08/25/1997
NONE	08/25/1997

Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 06/17/1997

Initials: DPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	CL	DS	GR	JN	KS		
X							

- Prehearing Officer

Commissioners					ADM
CL	DS	GR	JN	KS	
					X

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: *[Signature]*

Date: 06/17/1997

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 970647-EU Date Docketed: 05/29/1997 Title: Request for amendment of Rule 25-6.049, F.A.C., Measuring Customer Service, by 38 tenants of record at Dunedin Beach Campground.  
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 ("(") indicates OPR) \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B7(a)

Staff Assignments

<u>OPR Staff</u>	<u>M Helton</u>
_____	_____
_____	_____
<u>Staff Counsel</u>	<u>M Helton</u>
<u>OCRs (EAG)</u>	<u>C Kummer</u>
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**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT, IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (904) 413-6770**  
 Current CASR revision level

0

Due Dates

Previous Current

1. Staff Recommendation	NONE	06/12/1997
2. Agenda - Regular	NONE	06/24/1997
3. PAA Order	NONE	07/14/1997
4. Close Docket or Revise CASR	NONE	07/14/1997
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 06/09/1997

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	CL	DS	GP	JM	KS		
X							

- Prehearing Officer

Commissioners					ADM
CL	DS	GR	JM	KS	
					X

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Approved: [Signature]

Date: 06/10/1997

N

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 970647-EU Date Docketed: 05/29/1997 Title: Request for amendment of Rule 25-6.049, F.A.C. Measuring Customer Service, by 38 tenants of record at Dunedin Beach Campground.  
 Company: Earle C. Bartell

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 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

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Section 2 - DPR Completes and returns to RAR in 10 workdays Time Schedule

Program/Module B7(a)

Staff Assignments

DPR Staff \_\_\_\_\_  
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Staff Counsel \_\_\_\_\_  
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Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: \_\_\_\_\_

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

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 Current CASR revision level

	Due Dates	
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ALL	CL	DS	GR	JN	KS		

- Prehearing Officer

Commissioners					ADM
CL	DS	GR	JN	KS	

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Approved: \_\_\_\_\_

Date:  / /

From: Kay Flynn  
To: Cochran Keating  
Subject: fwd: 970647-EU

-----NOTE-----6/02/98--7:25pm--  
CC: Brad Martin, Linda Williams

.....  
Cochran, we didn't mark the initial filing in this docket as a "WVE", which means "the committee" wasn't added to the parties list, and didn't get a copy of the final order. Is it too late to send them a copy now? Please let Brad now, so he can add them to the list and send a copy of the order.

In the future, if you notice that we haven't marked a "WVE" with the !! symbol in CMS, please let Linda or me know so we can do so. This filing is marked that way now, so you can show completion on it.

Kay

Fwd-by:=Cochran=Keati=6/04/98=10:18am==  
Fwd to: Bob Elias

.....  
Docket 970647-EU is the Dunedin Beach Campground rule waiver petition. Apparently, records did not record it as a waiver docket (which is understandable, given the confusion over the appropriate treatment of the campground's original "petition"), so JAPC didn't get a copy of the order. Section 120.542 doesn't provide a deadline for sending JAPC the order, so I don't think we have a big problem if we send it now.

*98-1352 / 055544*

Any thoughts?

Fwd-by:=Bob=Elias=====6/04/98=10:42am==  
Fwd to: Cochran Keating

.....  
Send it.  
Fwd-by:=Cochran=Keati=6/04/98=10:48am==  
Fwd to: Brad Martin  
CC: Kay Flynn, Linda Williams

*made!  
6/17/98  
BW*

.....  
As Bob Elias so succinctly put it: send it!

M E M O R A N D U M

OCTOBER 27, 1997

RECEIVED

OCT 27 1997  
12.50

FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (KEATING, ELIAS) *wac RDE*

RE: DOCKET NO. 970647-EU - REQUEST FOR AMENDMENT OF RULE 25-6.049, F.A.C., MEASURING CUSTOMER SERVICE, BY 38 TENANTS OF RECORD AT DUNEDIN BEACH CAMPGROUND

PSC-97-1352-FOF-EU

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING RULE WAIVER to be issued in the above referenced docket. (Number of pages in order - 11)

WCK/js

Attachment

cc: Division of Electric and Gas (Kummer, Jenkins)

I:970647or.wck

1/1



RECEIVED

OCT 07 1997


FPSC - Records/Reporting

**Public Service Commission**

October 2, 1997

**MEMORANDUM**

TO: Ms. Blanca Bayo, Director  
Records and Reporting

FROM: Curtis Williams   
Executive Assistant to Chairman Johnson

SUBJECT: Intercepted Communications received from Mr. Richard J. Whalen  
re Docket No. **970647-WU**, Petition for Waiver of Rule 25-6.049

This office has received the attached correspondence, addressed to William Cochran Keating, Staff Counsel. The correspondence has not been viewed or considered in any way by Chairman Johnson. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991, as CEO 91-31-July 19, 1991), this letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Chairman. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, F.S. However, in such cases Chairman Johnson has requested that such correspondence be placed on the record in the correspondence side of the docket file.

CJW:ssf

Attachment:



# Dunedin Beach Campground

2920 ALT. 19 N. • DUNEDIN, FL 34698 • 813-784-3719  
97-0280 SEP 18

September 2, 1997

To: Mr. Wm. Cochran Keating  
Staff Counsel, PSC  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Dear Mr. Keating:

This is in reply to your letter of August 19, 1997 in which you requested certain data relative to Docket No. 970647-EU, which was assigned due to a petition for waiver of Rule 25-6.049 by 38 of my tenants.

Initially I am having trouble reconciling the fact that almost six months have elapsed since the formal signed petition from 38 of my tenants was received by all of the principles involved in these negotiations. To date there has been no acceptable reasoning for this delay advanced. Secondly, I am informed that the FPSC Staff had recommended the denial of both a rule change and rule waiver due to the lack of persuasive evidence, the absence of merit and/or failure to meet the statutory requirements set forth for a rule waiver in Chapter 120.542 (Variances and Waivers). Finally, I understand that Docket No. 970647-EU was discussed at some length with the five Commissioners on August 5, 1997 with Mr. Bartell, Public counsel, and the FPSC Staff in attendance. It is my further understanding that in addition to the successful arguments presented by Messrs Bartell and Shreve, further proof of the owner's intent to complete the park initially would be required. This would be accomplished by presenting the original approved plan to the requesting parties prior to the issuance of a waiver.

In reviewing your questions in line with data already presented, I find a certain amount of redundancy. Several of these items were well demonstrated by Mr Bartell in his Exhibit (A) at the August 5, 1997 meeting when he discussed the reasons why a rule waiver would satisfy the requirements of Statute 120.542.

Regardless of my concerns indicated in the previous paragraphs, I am going to endeavor to answer your questions, and/or provide data to the extent possible under existing circumstances. Time being of the essence and not wishing to further delay this matter, which began in June 1996, my specific replies to your inquiries follow.

1. (a) An approved copy of the original drawing (plan) of my campground is attached. Please note the date the drawing was completed in the lower right hand corner. (1-14-72). Particular attention is directed to those 38 sites in question (170-207), and the notation at the top of the page that a temporary



sewage treatment plant would be required on that land assigned to these sites  
(b) Nothing to report as the original plan was not modified.

2. The chronology of actual construction of the campground follows:
  - (a) 1972 - Sites 1 through 123 were started, completed in March 1973
  - (b) 1973 - Sites 124 through 159, and sites 208 through 243 were completed, leaving only the land on which the waste disposal system was located.
  - (c) 1981 - The County sewer interceptor was finally completed and Dunedin Beach Campground connected to the County System immediately.
  - (d) 1981 - Sites 170 through 207 were started, completed in 1982. Sites 160 through 169 have not been built, as we needed some room for storage.
3. Most of this data is unavailable. I did find the permit for the construction of the clubhouse, and a letter from the Board of County Commissioners giving approval for the construction of the park. (copies attached) The timing of the construction was subordinate to the hook up of the County Sewage System.
4. Recreational vehicles residing in a Campground or Recreational Vehicle Park in the State of Florida must conform to ANSI standard A119.5, and Florida Chapter 320.01, which limits the size of Park Trailers, our largest units, to 400 square feet measured on the outside of the unit.
5. (a) The total bill for the master meter section of the park for the period February 3, 1997 to August 1, 1997 was \$20810.66 (Includes all streetlights, utility pumps, buildings, pool etc.). Each site has its own individual meter, which is read each month. The master bill is divided by the total kilowatts used and that number is multiplied by the sub-meter reading. Each customer pays for exactly the electricity used in that unit.
  - (b) Because the park is only 15-20% occupied in May, June, and July, I would like to use the usage when the park is full or nearly full as it more clearly reflects the electrical use of my customers. It would be difficult to determine how many days each site is used and come up with an average during these low occupancy months. The fully occupied months, or nearly full, are November through April. The total electrical use during that period was \$25,221.42. The individual site usage averaged 265.9 Kilowatts/month and the average cost was \$17.39 per site.
  - (c) I have no figures on the average usage in the individually metered section. Florida Power should furnish that data.
5. (a) I do not know of any conservation programs available from Florida Power Corp. for tenants of this park using sub-meters on the master meter. Programs that would add insulation to any portion of these units would be obviated by the method of construction. These units are factory built on production lines, encased in metal or fiberglass, and have no additional space in the walls or ceilings to install insulation. The best conservation program has been the

installation of the sub-meters as it has reduced the overall electrical usage in the park.

(b) The load management devices installed by Florida Power Corp. due not apply because of the tenants failure to use minimum required kilowatts for this installation.

(c) By virtue of size (400 square feet or less), all tenants are basically conserving now, especially in those units using propane gas for heating, cooking and water heating, or some mixture thereof.

7. (a) See 6(a) above.

(b) To my knowledge only one unit (site 170 - Bartell) had his central air conditioner and hot water heater controlled by load management devices installed by Florida Power. The unit was crippled and removed because Mr. Bartell did not use enough kilowatt-hours to qualify. Dates of use are not available, but crippling evidence of Florida Power unit and wiring are noticeable in the trailer.

8. When the park was originally designed and approved for construction in 1972 it was the intention of Pinellas County to extend sewage lines into this area so that Westwind Mobile Home Park and Dunedin Beach Campground could hook onto them. This was scheduled for 1973. We had an agreement with Westwind to share their sewage facility if they built it on our property. This was to be a temporary system that would handle their park and the 123 sites we built in 1972. When we applied for the permits in 1973 to finish the remaining 120 sites we found that the county sewage system was not going to be completed as scheduled. We then had to add another sewage treatment plant and two more percolation ponds to support the additional 72 sites we could build. (drawing attached) I suppose that in the view of those who are not familiar with RV parks, they could say we could have built sites 188 through 207, but that would have left us with a dead end road, which is not tolerated in a RV park. It therefore became unfeasible at that time to proceed with those sites. The park owner had no control over these circumstances, and remedial action was in the hands of Pinellas County. When the county sewage system was installed in 1981, we immediately connected, dismantled our private sewage system and began construction of the 38 sites in question. It should be noted that we anxiously awaited the completion of the county sewage system as we were being denied the income from these sites.

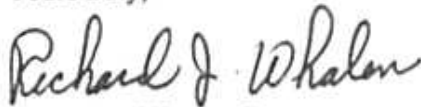
9. The estimate to install 38 individual sub-meters is \$1140 00

10. All 233 sites have meters on them. 195 have sub-meters (owned by the park) and 38 have Florida Power meters.

11. I will assume all costs incurred by Florida Power for the removal of their meters and wiring changes for the 38 sites in question. I also assume all responsibility for the cost of installing my sub-meters on those sites

In conclusion, I feel that Mr. Bartell and I have provided the evidence that should corroborate the 38 petitioner's request to waive Rule 25-6.049. In addition the requirements of the underlying statute 120.542 (Variances and Waivers) will be satisfied and the negative and unintentional results of the rule application nullified.

Yours truly,



Richard J. Whalen, Owner

Attachments (4)

Cc: Ms. Julia L. Johnson, Chairman  
Florida Public Service Commission

Mr. Joseph Richardson, President and CEO  
Florida Power Corporation

Mr. Jack Shreve, Esquire  
Office of Public Counsel

Mr. James McGee, FPC Counsel  
Florida Power Corporation

Mr. Joseph Jenkins, Director  
Florida Public Service Commission, Electric & Gas Division

Ms. Connie Kummer, Chief - Bureau of Electric Regulation  
Florida Public Service Commission

Ms. Kay Flynn, RAR  
Florida Public Service Commission

Mr. Earle C. Bartell  
Dunedin Beach Campground





# Public Service Commission

## -M-E-M-O-R-A-N-D-U-M-

RECEIVED

SEP 30 1997

FPSC - Records/Reporting

DATE: September 30, 1997

TO: Mr. Earle C. Bartell

FROM: Wm. Cochran Keating, IV, Staff Counsel, Division of Legal Services *WCK*

RE: Docket No. ~~970647~~-EU - Request for Amendment of Rule 25-6.049, F.A.C., Measuring Customer Service, by 38 Tenants of Record at Dunedin Beach Campground

Per your request, attached is a copy of the recommendation filed on September 25, 1997, in the above reference docket. If you have any questions, please call me at (850)413-6193.

WCK/js

cc: Division of Records and Reporting

- ACR \_\_\_\_\_
- AFS \_\_\_\_\_
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DOCUMENT NUMBER-DATE  
 10025 SEP 30 97  
 FPSC RECORDS/REPORTING



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

**RECEIVED**

DATE: June 26, 1997

TO: BLANCA BAYO, DIRECTOR OF RECORDS AND REPORTING JUN 26 1997

FROM: MARY ANNE HELTON, DIVISION OF APPEALS *Mat* 1.50  
FPSC - Records/Reporting

RE: DOCKET NO. 970647-EU

**0763-FDE**

FILE NAME: 970647OR.MAH

Attached is an order to be issued as soon as possible.

MAH  
Attachment

Attachment  
cc: Wanda Terrell

*1/1*