

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: August 24, 2018

TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk

FROM: Melinda Watts, Engineering Specialist, Division of Engineering *mw* *PS* *AS*

RE: Docket No. 20170171-WS – Resolution of the Board of County Commissioners of Leon County declaring Leon County subject to the provisions of Section 367, Florida Statutes

Please file the attached documents, "Email to Deertree Hills Mobile Home Park regarding exemption status" to the Docket file for Docket No. 20170171-WS.

Thank you.

MW/jp

Attachment

Melinda Watts

From: Melinda Watts
Sent: Friday, August 24, 2018 10:34 AM
To: 'manager@lewispm.com'
Subject: Emailing: 03987-2018.pdf
Attachments: 03987-2018.pdf

Ms. Barlow,

Attached is a copy of the certified letter that was sent to Deertree Hills Mobile Home Park (Deertree) regarding Deertree's exemption from the Florida Public Service Commission's (Commission) regulation of its provision of water service to the residents of Deertree. As I explained, the letter was returned as "Unclaimed."

During our conversation this morning, you mentioned that the treatment facility was no longer in service and that water was provided by the City of Tallahassee, and the residents paid as part of their homeowner association (HOA) dues. Based on our initial telephone conversation in September 2017, I was under the impression that Deertree included the water service in the lot rent. For that reason, the attached letters cite Section 367.022(5), Florida Statutes (F.S.), which states:

367.022 Exemptions.—The following are not subject to regulation by the commission as a utility nor are they subject to the provisions of this chapter, except as expressly provided:

(5) Landlords providing service to their tenants without specific compensation for the service.

However, based on the information you provided today, it appears that Deertree is exempt from Commission regulation based on Section 367.022(7), F.S., which exempts:

(7) Nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives.

If the residents paid the City of Tallahassee directly instead of the HOA, Deertree would be exempt based on Section 367.022(2), F.S., pertaining to systems owned, operated, managed, or controlled by governmental authorities.

Please respond to this email and affirm that Deertree provides service to the residents by including the cost of the service in their HOA dues.

If you have any questions, please call or email me.

Melinda Watts
Florida Public Service Commission
(850) 413-6952

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

STATE OF FLORIDA



DIVISION OF ENGINEERING
TOM BALLINGER
DIRECTOR
(850) 413-6910

Public Service Commission

May 31, 2018

Ms. Cheri L. Garbark
Deertree Hills Mobile Home Park
7113 Beech Ridge Trail, Suite 2
Tallahassee, FL 32312

VIA CERTIFIED MAIL

Re: Docket No. 20170171-WS - Resolution of the Board of County Commissioners of Leon County declaring Leon County subject to the provisions of Section 367, Florida Statutes.

Dear Ms. Garbark:

On September 28, 2017, Florida Public Service Commission (Commission) staff sent a letter (copy enclosed) to Deertree Hills Mobile Home Park (Deertree) regarding Deertree's possible exemption from Commission regulation of privately-owned water and wastewater systems in Leon County, Florida. Staff's letter dated September 28, 2017, requested that you respond in writing affirming that Deertree is a landlord providing service to its tenants without specific compensation for service.

To date, the Commission has no record of a response from Deertree. Please provide your response, with the docket number in the subject line, to the following address by June 14, 2018:

Director, Office of Commission Clerk
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

If you have any questions, please contact Mrs. Melinda Watts by phone at (850) 413-6952 or email at mwatts@psc.state.fl.us.

Sincerely,

A handwritten signature in cursive script that reads "Melinda Watts".

Melinda Watts
Engineering Specialist
Division of Engineering

MW:pz

Enclosure

cc: Office of Commission Clerk (DN 20170171-WS)

COMMISSIONERS:
JULIE I. BROWN, CHAIRMAN
ART GRAHAM
RONALD A. BRISÉ
DONALD J. POLMANN
GARY F. CLARK

STATE OF FLORIDA



DIVISION OF ENGINEERING
TOM BALLINGER
DIRECTOR
(850) 413-6910

Public Service Commission

September 28, 2017

Ms. Cheri L. Garbark
Deertree Hills Mobile Home Park
7113 Beech Ridge Trail, Suite 2
Tallahassee, FL 32312

Re: Docket No. 20170171-WS - Resolution of the Board of County Commissioners of Leon County declaring Leon County subject to the provisions of Section 367, Florida Statutes.

Dear Ms. Garbark:

The Board of County Commissioners of Leon County (County) adopted Resolution No. R17-12 on June 20, 2017. The resolution transferred jurisdiction over privately-owned water and wastewater utilities in Leon County to the Florida Public Service Commission (FPSC or Commission), effective the date the County voted on the resolution. A copy of the Commission's order acknowledging the transfer of jurisdiction is provided as Enclosure 1.

The FPSC is a state agency which provides service regulation over the provision of service to utility customers, and economic regulation over utility rates and charges pursuant to Chapter 367, Florida Statutes (F.S.). Our jurisdiction is separate and distinct from the jurisdiction of the Florida Department of Environmental Protection and your local water management district. Section 367.022, F.S. (Enclosure 2), provides a list of exemptions from FPSC regulation.

Based on your conversation with Commission staff, it appears that Deertree Hills Mobile Home Park is exempt from Commission regulation based on Section 367.022(5), F.S. Please provide a written response by October 27, 2017, affirming that Deertree Hills Mobile Home Park is a landlord providing service to its tenants without specific compensation for the service.

However, the owner of Deertree Hills Mobile Home Park or any successors in interest are put on notice that if there is any change in circumstance or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022, F.S., it should inform the Commission within 30 days of such change so that its status may be reevaluated.

Please be advised that pursuant to Section 837.06, F.S., whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 or 775.083, F.S.


Ms. Cheri L. Garbark
September 28, 2017
Page 2

Your response should include the docket number and be mailed to :

Director, Office of Commission Clerk
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

If you have any questions, please contact Mrs. Melinda Watts by phone at (850) 413-6952 or email at mwatts@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Melinda Watts" followed by a stylized initial "A".

Melinda Watts
Engineering Specialist
Division of Engineering

MW:tj

cc: Office of Commission Clerk (DN 20170171-WS)

Enclosures