

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)	DOCKET NO. 900588-WS
Florida Public Service Commission)	
regulation for water and wastewater)	ORDER NO. 23896
services in Jackson County by QUIET)	
HAVEN MOBILE HOME PARK)	ISSUED: 12-18-90
)	

ORDER INDICATING THE EXEMPT STATUS OF
QUIET HAVEN MOBILE HOME PARK

BY THE COMMISSION:

Quiet Haven Mobile Home Park (Quiet Haven), a sole proprietorship, provides water and wastewater service to a forty unit mobile home park and the adjacent private dwelling in Marianna, Florida. By letter and affidavit received on June 18, 1990, and by a supplemental affidavit received on December 13, 1990, Quiet Haven has requested recognition of exempt status for both water and wastewater services.

Upon request and sufficient proof, the Commission will issue an Order indicating the nonjurisdictional or exempt status of water or wastewater facilities if the facilities qualify under Section 367.022, Florida Statutes. The owner of the utility was advised by one of the mobile home tenants that the utility might not be in compliance with the law, which prompted the utility's request for exemption. Quiet Haven has requested recognition of exempt status under subsection 367.022(5), Florida Statutes, as to water service, and under subsection 367.022(8), Florida Statutes, as to wastewater service.

The letter and affidavits show that: Quiet Haven provides water and wastewater solely to its tenants and one private dwelling immediately adjacent to the park. Quiet Haven provides water from an on-site well and system and does not charge specific compensation for the water service. The utility provides water free of charge to the private dwelling. Quiet Haven has recently interconnected its wastewater system to the City of Marianna. The City now provides wastewater service to Quiet Haven that is billed at the City's rates based on the number of gallons of water that the utility delivers to its customers in each billing cycle. The costs charged are prorated, without mark-up, to each mobile home unit and the private dwelling based on each unit's individually metered water consumption. The owner is aware of the notice requirements of Rule 25-30.111, Florida Administrative Code.

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Subsection 367.022(5), Florida Statutes states that: Landlords providing service to their tenants without specific compensation for the service are exempt from Commission regulation. Based on the facts as represented, we find that Quiet Haven's water service to the mobile home park is exempt from Commission regulation pursuant to subsection 367.022(5), Florida Statutes. Further, water service to the adjacent dwelling is exempt from Commission jurisdiction because that service is provided free of charge and, therefore, is not defined as "utility" pursuant to Section 367.021(12), Florida Statutes.

Subsection 367.022(8), Florida Statutes provides that: Any 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 specified reporting requirements is exempt from Commission regulation. Based on the facts as represented, we find that Quiet Haven's wastewater service to the park and the adjacent dwelling is exempt from Commission regulation pursuant to subsection 367.022(8), Florida Statutes.

Should there be any change in the circumstances or method of operation of either the water system or the wastewater system, the owner of the Quiet Haven Mobile Home Park, or any successor in interest, must inform the Commission within 30 days of any such change so that we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Quiet Haven Mobile Home Park, located at 4757 Grand Oaks Circle, Marianna, Florida 32446, is hereby exempt from Commission regulation pursuant to the terms of subsection 367.022(5), Florida Statutes, as to water service provided to the mobile home park. It is further

ORDERED that the water service provided to the adjacent dwelling at no charge is exempt from Commission jurisdiction pursuant to Section 367.021(12), Florida Statutes. It is further

ORDERED that the Quiet Haven Mobile Home Park utility is exempt from Commission regulation pursuant to subsection 367.022(8), Florida Statutes, as to all wastewater service. It is further

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ORDERED that should there be any change in circumstances or method of operation to Quiet Haven Mobile Park's water or wastewater services, the owner of the utility, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 18th day of DECEMBER, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

TCP

by: Kary Jagan
Chief, Bureau of Records

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

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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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.