



Federation of Mobile Home Owners of Florida, Inc.

P.O. Box 5350 Largo, FL 33779-5350 813/530-7539 800/959-7539 (Florida Only) Fax 813/535-9427

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Proposed Repeal of Rule)
25-30.060, F.A.C., Application)
for Exemption from Regulation of)
Nonjurisdictional Finding)

DOCKET NO. 960933-WS
ORDER NO. PSC-96-1151-NOR-WS
ISSUED: September 12, 1996

These comments are from the Federation of Mobile Home Owners of Florida, Inc. (FMO) and are in response to the proposed repeal of Rule No. 25-30.060 which will eliminate the requirement for a Public Service Commission order authorizing exemptions as defined in Section 367.022 of the Florida Statutes. The FMO urges that the PSC delay the repeal of Rule No. 25-30.060 until the Commission adopts a rule requiring water and wastewater service providers, who claim to be exempt under F.S. 367.022, to file a statement or report with the PSC on an annual basis so that the Commission is aware of who is providing water and wastewater utilities to Florida consumers.

The Federation of Mobile Home Owners of Florida, Inc. is a statewide consumer advocacy association dedicated to protecting the rights and interests and enriching the lifestyle of manufactured/mobile home owners throughout the State of Florida. The FMO was formed in 1962 and has a membership of approximately 220,000 mobile home owners. Ninety percent of our membership lives in rental mobile home parks; that is, they own their mobile home, but rent the land upon which it sits. The balance of the membership owns their mobile home, as well as the land upon which their home sits, either in the form of a subdivision, a cooperative or a condominium. There are approximately one million manufactured/mobile home owners in Florida.

The Laws of Florida, Chapter 96-407, with an effective date of July 1, 1996, amended Section 367.031 of the Florida Statutes to remove the requirement that an order be entered by the Public Service Commission before a system could be recognized as an exempt utility provider under F.S. 367.022. The intent of the amendment was to delete the requirement that exemption orders be entered by the Commission. This amendment, when taken together with the proposed repeal of Rule 25-30.060, will effectively permit mobile home park owners and the other entities who claim to be exempt under F.S. 367.022 to make a unilateral determination that they are exempt.

If there is no required filing of any kind by these providers, how will the Public Service Commission know that there are unregulated persons or entities providing water and wastewater services to Florida residents under their self-determined claim that they are exempt from the Public Service Commission jurisdiction. Rental mobile home park owners and others who claim to be exempt from Public Service Commission jurisdiction under Florida Statute 367.022(5) will no longer be required to report to any agency that they are providing water or wastewater services in the State of Florida. The effect of a complete repeal of Rule 25-30.060 without requiring at the very least some sort of filing of notice with the PSC will place the burden on the consumer to file a court proceeding to determine whether the provider is in fact entitled to

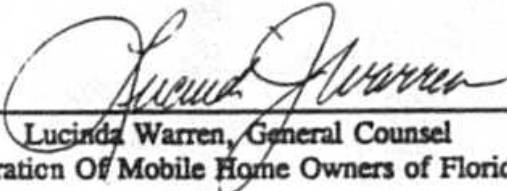
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the exemption. This will force mobile home owners and other consumers, who are already at a disadvantage when dealing with a utility provider, to file actions in court and enter into discovery proceedings to determine if they are being properly charged for water or wastewater service by the entity that claims to be exempt. In the alternative, consumers will be required to file complaints with the PSC for a determination by the Commission as to whether the utility is exempt. The objective of reducing the Commission's dealings with exempt utility providers could potentially be increased rather than decreased.

Without some sort of central filing system for those utility providers who claim to be exempt, the PSC is placing the entity that claims to be exempt, the proverbial fox, in charge of the henhouse. Those who claim to be exempt as a reseller should also submit a statement providing for their costs and their charges to the consumer so that the consumer can get this information without costly litigation. The purpose of the Public Service Commission is to protect the public interest by the regulation of utilities. The FMO respectfully requests that the PSC reconsider and delay the repeal of Rule 25-30.060 until a rule is promulgated that will require these unregulated utilities to register with the Commission.

SUBMITTED BY:



Lucinda Warren, General Counsel
Federation Of Mobile Home Owners of Florida, Inc.

DATE: October 10, 1996



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P.O. Box 5350 Largo, FL 33779-5350 813/530-7539 800/959-7539 (Florida Only) Fax 813/535-9477

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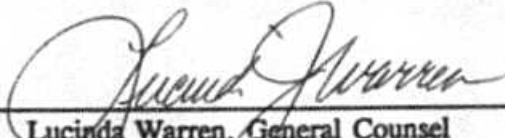
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