

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of the Board of County Commissioners of Manatee County declaring Manatee County subject to the provisions of Chapter 367, F.S. - Request for exemption from Florida Public Service Commission Regulation for provision of water and wastewater service by Royal Garden Estates Division of National Modular Villages, Inc.

DOCKET NO. 951235-WS  
ORDER NO. PSC-98-0276-FOF-WS  
ISSUED: February 12, 1998

ORDER INDICATING EXEMPT STATUS OF ROYAL GARDEN  
ESTATES DIVISION OF NATIONAL MODULAR VILLAGES, INC.

BY THE COMMISSION:

On December 4, 1995, Royal Garden Estates filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. After reviewing the application, it was determined that the correct name of the applicant is Royal Garden Estates Division of National Modular Villages, Inc. (Royal Garden). Royal Garden a mobile home community located at 6904 44th Avenue West, Bradenton, Florida. Mr. John Smilde, Owner and primary contact person, filed the application on behalf of Royal Garden. Mr. Smilde's address is 3901 71st Street West, Bradenton, Florida- 34209.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.022(8), Florida Statutes, which states, in part, that "[a]ny 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 certain reporting requirements, is exempt from Commission regulation.

According to Royal Garden's application, the service area is limited to Royal Garden located at 6904 44th Avenue West, Bradenton, Florida. Royal Garden purchases water and wastewater from Manatee County and resells it to its residents at a rate that

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does not exceed the actual purchase price. Meters have been installed on each unit so that the residents will be charged for the actual amount of water used. Royal Garden will be responsible for service to common areas and vacant lots. No administrative or processing fees or miscellaneous charges relating to the water and wastewater service will be charged to the residents.

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

Based on the facts as represented, we find that Royal Garden is exempt from our regulation pursuant to Section 367.022(8), Florida Statutes. However, the owner(s) of Royal Garden 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, Florida Statutes, it should inform the Commission within 30 days of such change so that its status may be reevaluated.

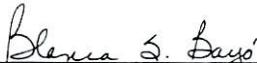
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Royal Garden Estates Division of national Modular Villages, Inc., 6904 44th Avenue West, Bradenton, Florida 34209, is exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

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

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By ORDER of the Florida Public Service Commission this 12th  
day of February, 1998.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.