

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 28, 2018

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

FROM: Melinda Watts, Engineering Specialist, Division of Engineering *MW* *24* *DS*

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 email dated August 27, 2018, “Deertree Hills’ response to staff’s May 31, 2018, exemption letter,” in the above referenced docket file.

Thank you.

MW/jp

Attachment

Melinda Watts

From: Manager <manager@lewisp.com>
Sent: Monday, August 27, 2018 12:25 PM
To: Melinda Watts
Subject: RE: Emailing: 03987-2018.pdf

Melinda,

As members of the Deertree Hills Condominium Association, Inc., part of their monthly assessments it to reimburse the Association for payments made to the City of Tallahassee, on their behalf, for their water and sewer use.

Therefore, Deertree Hills Condominium Association, Inc. should be exempt under #7.

Thank you for your follow up phone call.

Sue

Sue Barlow

Operations Manager for

Lewis Association Property Management, LLC

7113 Beech Ridge Trail, Suite 2

Tallahassee, FL 32312

850.668.1173

850.765.4353 fax

From: Melinda Watts [<mailto:Mwatts@PSC.STATE.FL.US>]
Sent: Friday, August 24, 2018 10:34 AM
To: 'manager@lewisp.com' <manager@lewisp.com>
Subject: Emailing: 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