

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by WOODBURN MANOR)	DOCKET NO. 891196-SU
MOBILE HOME PARK for exemption from)	ORDER NO. 22346
FPSC regulation for a sewage treatment)	ISSUED: 12-27-89
facility in Columbia County.)	
)	

ORDER INDICATING THE EXEMPT STATUS OF
WOODBURN MANOR MOBILE HOME PARK

BY THE COMMISSION:

Woodburn Manor Mobile Home Park (Woodburn Manor) has owned and operated a sewage treatment plant for several years without a permit from the Department of Environmental Regulation (DER). DER became aware of the system in 1989 and required certain improvements to be made. Pursuant to Section 367.031, Florida Statutes, before DER will issue a construction permit, it requires either a certificate authorizing service or proof that the utility is not subject to the regulation of this Commission. Therefore, by letter and affidavit received on October 17, 1989, and lease agreement received on December 11, 1989, Woodburn Manor requested recognition of its exempt status.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or sewer facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes. Woodburn Manor requested recognition of its exempt status under Section 367.022(5), Florida Statutes.

The affidavit and lease agreement show that: Woodburn Manor provides sewer service solely to its tenants; the utility does not collect any specific charge for sewer service from its tenants, as those charges are nonspecifically included in the tenants' monthly rents; and the sewer facility is located on-site.

Section 367.022(5), Florida Statutes, states that landlords providing service to their tenants are exempt from Commission regulation. Based upon the facts as represented, we find that Woodburn Manor is exempt from our regulation under the terms of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Woodburn Manor, or any successor in

DOCUMENT NUMBER-DATE

12285 DEC 27 1989

FPSC-RECORDS/REPORTING

ORDER NO. 22346
DOCKET NO. 891196-SU
PAGE 2

interest, must inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

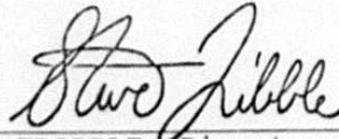
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Woodburn Manor Mobile Home Park, Post Office Box 565, Lake City, Florida 32055, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of Woodburn Manor's sewer facility, the owner of Woodburn Manor, 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 27th day of December, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DCS

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.

ORDER NO. 22346
DOCKET NO. 891196-SU
PAGE 3

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 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.