

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)	DOCKET NO. 910156-WU
Florida Public Service Commission)	
regulation for its water system in)	ORDER NO. 24599
Sumter County and cancellation of)	
Certificate No. 494-W by WEBSTER)	ISSUED: 5/30/91
MOBILE HOME AND TRAVEL PARK)	
)	

ORDER INDICATING EXEMPT STATUS OF WEBSTER
MOBILE HOME AND TRAVEL PARK AND CANCELLATION
OF CERTIFICATE NO. 494-W

BY THE COMMISSION:

Webster Mobile Home and Travel Park (Webster) is a mobile home and recreational vehicle park located in Sumter County, Florida. By letter received February 1, 1991, Webster requested that it be found exempt from Florida Public Service Commission (Commission) regulation under Section 367.022(5), Florida Statutes, and that its Certificate No. 494-W be canceled.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if the facilities qualify under the appropriate section of Chapter 367, Florida Statutes. Section 367.022(5), Florida Statutes, exempts landlords that provide service without collecting specific compensation. Included with Webster's letter was an affidavit, reciting the facts upon which its request is based and documentation in support thereof.

The affidavit and accompanying information show that: Webster is a mobile home and travel park located in Sumter County, Florida; Webster will provide water and wastewater services and limit its service area to the park; Webster will not charge for water and wastewater services and such services will be provided solely to the tenants of Webster; any compensation received for services will be nonspecifically contained in the tenants' monthly rent.

Since Webster provides water and wastewater service to the mobile homes that are leased by its tenants and the recreational vehicles that are temporarily connected to its systems, it appears that Webster is exempt pursuant to Sections 367.022(5) and 367.022(4), Florida Statutes. Under Section 367.022(4), Florida Statutes, public lodging establishments that provide water and/or wastewater service solely in connection with providing service to their guests are exempt from Commission's regulation.

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Further, Webster paid its regulatory assessment fees for 1990 on March 4, 1991 and filed its 1990 annual report on March 15, 1991 pursuant to Rules 25-30.120 and 25-30.110, Florida Administrative Code, respectively. Therefore, in consideration of the above and as a natural result of qualifying for the landlord-tenant and public lodging exemptions, we also find that Webster's Certificate No. 494-W should be canceled.

Our findings are based upon the facts as provided by Webster. Should there be any change in circumstances or method of operation, the owner of Webster or any successor in interest must inform the Commission within thirty (30) 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, Webster Mobile Home and Travel Park's water and wastewater systems, located at Route 2 Box 550, Webster, Florida 33597, are hereby exempt under Sections 367.022(5) and 367.022(4), Florida Statutes. It is further

ORDERED that Webster Mobile Home and Travel Park's Certificate No. 494-W is hereby canceled. It is further

ORDERED that should there be any change in circumstances or method of operation of Webster Mobile Home and Travel Park's system, the owner of Webster Mobile Home and Travel Park or any successor in interest shall inform this Commission within thirty (30) days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 30th day of MAY, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

NRF

by: Kary Ferguson
Chief, Bureau of Records