

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)	DOCKET NO. 900788-SU
Florida Public Service Commission)	
regulation for a wastewater system)	ORDER NO. 23733
in Highlands County By Buchanan)	
Mobile Home Park)	ISSUED: 11-7-90
)	

ORDER INDICATING EXEMPT STATUS OF
BUCHANAN MOBILE HOME PARK

BY THE COMMISSION:

The Buchanan Mobile Home Park wastewater system is an existing system that has been operating for approximately twenty years and currently serves 69 units. The owner of the utility is in the process of renewing the operating permit from the Department of Environmental Regulation (DER). She is also seeking permitting from DER to upgrade the plant. Pursuant to Section 367.031, Florida Statutes, in order to obtain the necessary permits from DER, the owner must first obtain from this Commission a certificate authorizing service or an order recognizing that the system is exempt from regulation.

On September 26, 1990, the owner of Buchanan Mobile Home Park requested that it be found exempt from our regulation under Section 367.022(5), Florida Statutes. The application for an exemption included an affidavit from the owner stating that: the utility provides wastewater service only; wastewater service is provided solely to Buchanan Mobile Home Park tenants; Buchanan Mobile Home Park will not collect any specific charge for service from its tenants, rather any compensation received for the service will be a nonspecific portion of the monthly rent charges; the service area will be limited to Buchanan Mobile Home Park, 3801 Youth Care Lane, Sebring, Florida. Included with the affidavit is a copy of the lease agreement which shows that wastewater service is provided at no additional charge.

According to Section 367.022(5), Florida Statutes, "[l]andlords providing service to their tenants without specific compensation for the service" are exempt from Commission regulation. We find that Buchanan Mobile Home Park is exempt from Commission jurisdiction pursuant to this provision. We further find that Buchanan Mobile Home Park, or its successor in interest, should inform this Commission of any change in circumstances or method of operation within thirty days of such change so that we may review the matter to determine whether exempt status is still appropriate.

DOCUMENT NUMBER-DATE

09978 NOV-7 1990

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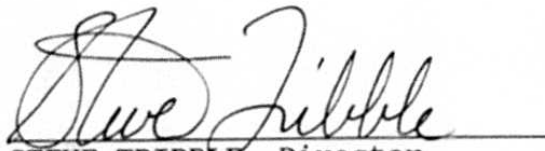
It is therefore

ORDERED by the Florida Public Service Commission that the wastewater facility operated by the Buchanan Mobile Home Park, 3801 Youth Care Lane, Sebring, Florida, is exempt from Commission regulation pursuant to Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the Buchanan Mobile Home Park, or its successor in interest, shall inform this Commission within thirty days of such change. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 7th day of NOVEMBER, 1990.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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.

Any party adversely affected by the Commission's final action

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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.