

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption) DOCKET NO. 920164-SU
from Florida Public Service) ORDER NO. PSC-92-0416-FOF-SU
Commission regulation for) ISSUED: 05/27/92
provision of wastewater)
service in Escambia County by)
Silver Lake Mobile Home Park)
_____)

ORDER INDICATING THE EXEMPT STATUS
OF SILVER LAKE MOBILE HOME PARK

BY THE COMMISSION:

Silver Lake Mobile Home Park (Silver Lake or utility) is a mobile home park located in Escambia County. On February 21, 1992, Silver Lake filed an application for exemption from Commission regulation pursuant to Section 367.022(5), Florida Statutes. Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities if they qualify under the appropriate provision of Chapter 367, Florida Statutes.

The application for an exemption included a statement from Mr. Phillip DeMasso, the utility's vice president, stating that: the utility will provide wastewater service solely to its tenants; charges for service are non-specifically contained in rental charges; the service area is limited to the boundaries of Silver Lake Mobile Home Park located at 7333 Pine Forest Road, Pensacola, Florida. Silver Lake's application includes a copy of the lease agreement which shows that wastewater service is provided to tenants at no additional charge.

According to Section 367.022(5), Florida Statutes, "landlords providing service to their tenants without specific compensation for the service" are exempt from Commission regulation. On the facts as represented, we find that Silver Lake is exempt from Commission regulation pursuant to Section 367.022(5), Florida Statutes. We further find that Silver Lake, or its successor(s) in interest, should inform this Commission of any change in circumstances or method of operation within thirty (30) days of such change so that we may review the matter to determine whether exempt status would still be appropriate.

Based on the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that based on the facts as represented, the wastewater treatment facilities owned by Silver Lake Mobile Home Park, Park Seneca, Suite 701, 151

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Mockingbird Lane, Charlotte, North Carolina 28209, is exempt from Commission regulation under Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, Silver Lake Mobile Home Park or its successor(s) in interest, shall inform this Commission within 30 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 May, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

LAJ

by: Kay Flynn
Chief, Bureau of Records

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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 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.