

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption ) DOCKET NO. 920355-WS  
from Florida Public Service ) ORDER NO. PSC-92-0652-FOF-WS  
Commission regulation as a ) ISSUED: 07/13/92  
reseller of water and )  
wastewater services in Pasco )  
County by SUN COUNTRY MOBILE )  
HOME PARK )  
\_\_\_\_\_ )

ORDER INDICATING THE EXEMPT STATUS OF  
SUN COUNTRY MOBILE HOME PARK

BY THE COMMISSION:

BACKGROUND

Sun Country Mobile Home Park (Sun Country) is a mobile home park which consists of 117 units and is located at 799 East Klosterman Road, Tarpon Springs, Florida, 34689. Sun Country provides both water and wastewater service to the residents of the mobile home park. The park is currently owned by Ms. Edna Menna.

On April 20, 1992, Sun Country filed an application for exemption from Commission regulation pursuant to Section 367.022(8), Florida Statutes, as a reseller of water and wastewater services. Section 367.022(8), Florida Statutes, indicates exempt status for:

any person who resells water or wastewater at a rate or charge which does not exceed the actual purchase price thereof, if such person files at least annually with the Commission list of charges and rates for all water service sold, the source and actual purchase price thereof, and any other information required by the Commission to justify the exemption.

Sun Country's application contained a signed document which acknowledged the reporting requirement in Rule 25-30.111, Florida Administrative Code. The document also stated that the applicant is aware of the requirements concerning the examination and testing of meters as provided in Section 367.122, Florida Statutes, and Rules 25-30.262 and 25-30.267, Florida Administrative Code, which explain the responsibilities of the applicant for insuring the accuracy of the meters. Lastly, the applicant acknowledged Section 837.06, Florida Statutes, which details the penalty for making false statements within the application.

DOCUMENT NUMBER-DATE

07566 JUL 13 1992

FOUR\_DOCUMENTS / REPRODUCED

The application was filed in accordance with Section 367.022(8), Florida Statutes, and Rules 25-30.060(2) and (3)(h), Florida Administrative Code. The application included a statement from the owner's spouse, Mr. Michael Menna, as agent for the applicant, that Sun Country provides service at a rate or charge which does not exceed the actual purchase price, and that both water and wastewater are provided to a service area limited to the mobile home park.

The information provided by the applicant shows that Sun Country purchases water and wastewater service from the City of Tarpon Springs in order to resell it to the tenants residing in the mobile home park. Sun Country bills the tenants for the water and wastewater service by using an average gallonage rate which is calculated by dividing the total dollar amount billed by the City by the total number of gallons used by the park. This average rate is then used to calculate the individual tenants' bills by applying the average charge to the usage indicated on their individual meters which are located on each lot in the mobile home park. By applying this methodology, separate rates for water and wastewater service is calculated every month. Sun Country has been reselling water and wastewater service since November 1991, and during this period, the average gallonage rates have been \$3.28 per 1,000 gallons for water service and \$2.78 per 1,000 gallons for wastewater service.

In addition to serving the 117 tenants in the park, Sun Country provides service to the park's common areas, including the laundry facilities and the swimming pool. The charges for water and wastewater service provided to the common areas are included in the calculation of the rates that are charged to the tenants because the gallonage for the common areas is included in the total gallonage figure used to average the tenants' bills. Therefore, according to the applicant, Sun Country is dividing the cost of providing service to the common areas equally among the tenants.

Therefore, based upon the facts as represented, we find that Sun Country is exempt from our regulation under the terms of Section 367.022(8), Florida Statutes. However, should there be any change in the Sun Country's method of operation or billing procedures, the owner of Sun Country, or any successor in interest, shall inform this Commission within 30 days of such a change, so that the exempt status may be reevaluated.

It is, therefore,

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ORDERED by the Florida Public Service Commission that based upon the facts as represented, Sun Country Mobile Home Park, located at 799 East Klosterman Road, Tarpon Springs, Florida, 34689, with Michael Menna as contact person, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(8), Florida Statutes. It is further

ORDERED that Sun Country Mobile Home Park shall comply with the filing requirements of Rule 25-30.111, Florida Administrative Code. It is further

ORDERED that should there be any changes in the method of operation or billing procedure of Sun Country Mobile Home Park in the course of its providing water and wastewater service, the owner(s), or any successor in interest, shall inform this Commission within 30 days of such change. It is further

ORDERED that this docket may be closed.

By ORDER of the Florida Public Service Commission, this 13th day of July, 1992.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

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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.