

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption)
from Florida Public Service)
Commission regulation for)
provision of wastewater)
service to Spanish Lakes)
Riverfront Mobile Home Park)
in St. Lucie County by)
SPANISH LAKES RIVERFRONT)
(a division of Wynne Building)
Corporation.)
_____)

DOCKET NO. 921053-SU
ORDER NO. PSC-92-1439-FOF-SU
ISSUED: 12/14/92

ORDER INDICATING THE EXEMPT STATUS OF
SPANISH LAKES RIVERFRONT (A DIVISION
OF WYNNE BUILDING CORPORATION)

BY THE COMMISSION:

On October 12, 1992, Spanish Lakes Riverfront (Spanish Lakes), a division of Wynne Building Corporation, applied for an exemption from Commission regulation as provided for in Section 367.022(5), Florida Statutes. Spanish Lakes is a mobile home park that provides wastewater service to its tenants through an on-site wastewater plant. Each tenant is individually metered by the city for water service. The mailing address is 8000 South U.S. Highway 1, Suite 402, Port St. Lucie, Florida 34952. The utility system is located at 7901 South U.S. Highway 1, Port St. Lucie, Florida 34952. The contact person is Mr. Patrick Owens, communities manager of the park.

The application was filed in accordance with Section 367.022, Florida Statutes, and Rules 25-30.060 (1), (2) and (3)(e), Florida Administrative Code. The applicant indicated that it provides wastewater service solely in connection with service to its tenants within the mobile home park and charges for such service are non-specifically contained in monthly rental charges. Furthermore, it acknowledged Section 837.06, Florida Statutes, regarding false statements. Filed with the application was a copy of the park's prospectus and its standard lease. While the lease is silent on the provision of utility service, the prospectus, which is a companion document to the lease, clearly states that wastewater service is included as a non-specific portion of monthly rental charges.

As a matter of practice, 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 section of Chapter 367, Florida Statutes.

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Spanish Lakes requested recognition of its exempt status under Section 367.022(5), Florida Statutes, which provides that landlords providing service to their tenants without specific compensation for the service shall not be subject to regulation by the Commission.

In addition, Rule 25-30.060(e) states:

For an exemption pursuant to Section 367.022(5), Florida Statutes, a statement from the landlord that it provides service solely to tenants; that charges for service are non-specifically contained in rental charges; stating whether it provides water service, wastewater service or both; and specifying the service area. A copy of the landlord's most recent version of a standard lease or rental agreement, stating that there is no separate charge for water service, wastewater service, or both, shall be submitted with the application;....

Based on the facts as represented, we find that Spanish Lakes 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 Spanish Lakes or any successor in interest, must inform the Commission within thirty days of such change, so we may determine whether exempt status is still appropriate.

It is, therefore,

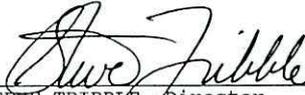
ORDERED by the Florida Public Service Commission that, based on the facts as represented, Spanish Lakes Riverfront, located at 7901 South U.S. Highway 1, Port St. Lucie, Florida 34952, with Mr. Patrick Owens as contact person, and a mailing address of 8000 South U.S. Highway 1, Suite 402, Port St. Lucie, Florida 34952, 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 Spanish Lakes Riverfront's water and wastewater facility, the owner of Spanish Lakes Riverfront, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

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By Order of the Florida Public Service Commission this 14th
day of December, 1992.



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 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.