BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption From Florida Public Service Commission Regulation For Provision of Water and Wastewater Service in Duval County by Colonial Park for Mobile Homes.) DOCKET NO. 930177-WS) ORDER NO. PSC-93-0617-FOF-WS) ISSUED: April 21, 1993))
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ORDER INDICATING EXEMPT STATUS OF COLONIAL PARK FOR MOBILE HOMES AND CLOSING DOCKET

BY THE COMMISSION:

On February 22, 1993, Colonial Park For Mobile Homes (Colonial) filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. Colonial is located at 865 South Lane Avenue, Jacksonville, Florida. Mr. Elroy C. Grace, President of Colonial, filed the application on behalf of Colonial. The primary contact person is Mr. Norman F. Mears, Post Office Box 13705, Tallahassee, Florida 32317.

Colonial, which is owned by Grace & Company, is a bulk customer of Commercial Utilities. Commercial Utilities charges Grace & Company for the service provided to Colonial, which in turn provides service to the residents of the mobile home park. Order No. PSC-03-0233-F0F-WS, issued in Docket No. 910766-WS, ordered Colonial to file an application for a certificate or recognition of its exempt status. As stated previously, Colonial filed an application for exemption from Commission regulation on February 22, 1993.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if they qualify under the appropriate provision of Chapter 367, Florida Statutes. Colonial's application was filed in accordance with Section 367.022(5), Florida Statutes, and Rule 25-30.060(3)(e), Florida Administrative Code.

Section 367.022(5), Florida Statutes, states that an entity qualifies for exemption from Commission regulation if it provides service solely to its tenants, and there are no specific charges for the utility service. The application indicates that Colonial provides water and wastewater service only to its tenants and the service territory is limited to the mobile home park. Also, the water and wastewater service is included as a nonspecific portion of the monthly rent.

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In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Grace acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Colonial is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Colonial or any successor in interest must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Colonial Park For Mobile Homes, 865 South Lane Avenue, Jacksonville, Florida 32205, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Colonial Park For Mobile Homes or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate Colonial's exempt status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission this 21st day of April, 1993.

TEVE 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.