

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 940009-WS
from Florida Public Service) ORDER NO. PSC-94-0328-POF-WS
Commission regulation for) ISSUED: March 23, 1994
provision of water and)
wastewater service in Duval)
County by PARK WEST MOBILE HOME)
PARK.)
_____)

ORDER INDICATING EXEMPT STATUS
OF PARK WEST MOBILE HOME PARK AND CLOSING DOCKET

BY THE COMMISSION:

Pursuant to Section 367.022(8), Florida Statutes, on January 5, 1994, Park West Mobile Home Park (Park West) filed an application for a reseller exemption. The physical address of the system and the address for the primary contact person, Robert Alford, is 7915 103rd Street, Jacksonville, Florida 32210. Park West is a mobile home park which resells water and wastewater services to a maximum of 125 residents. Water and wastewater to the mobile home park is being provided by the City of Jacksonville.

Section 367.022(8), Florida Statutes, states that a reseller of water and wastewater services will not be subject to Commission regulation if it resells its water and wastewater services at a rate or charge that does not exceed its purchased price. Park West is a limited partnership that provides water and wastewater services to its residents at a rate that does not exceed the amount that the primary seller, the City of Jacksonville, charges it, and further, Park West limits its water and wastewater services to the mobile home park's residents.

As stated above, Park West's application complies with Section 367.022(8), Florida Statutes, and also, with Rule 25-30.060(2) and 3(h), Florida Administrative Code. Further, Park West states that it is aware of the requirements of Section 367.122, Florida Statutes, which requires examination and testing of meters, Rule 25-30.111, Florida Administrative Code, which establishes Park West's responsibilities for filing an annual report, and Rules 25-30.262 through 25-30.267, Florida Administrative Code, which explain Park West's responsibilities for insuring the meters' accuracy.

In addition to the above, Park West has provided this Commission a schedule of the City of Jacksonville's current rates and charges, a schedule of its proposed rates and charges, an

DOCUMENT NUMBER-DATE

02757 MAR 23 1994

FPSC-RECORDS/REPORTING

explanation of its proposed method of billing customers, separately, for both water and wastewater services, and a schedule showing that the amount of its services will not exceed the amount that it has paid the City of Jacksonville for its water and wastewater services. Park West also acknowledges Section 837.06, Florida Statutes, regarding making a false statement.

Therefore, based on the above facts and pursuant to Section 367.022(8), Florida Statutes, we find that Park West qualifies for an exemption from Commission regulation. However, should there be any change in circumstances or method of operation that might affect its exempt status, Park West or its successor(s) in interest shall inform this Commission within thirty days of such change so that its exempt status may be re-evaluated.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Park West Mobile Home Park, 7915 103rd Street, Jacksonville, Florida 32210, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Park West Mobile Home Park or its successor(s) in interest, shall inform this Commission within thirty days of such change so that we may re-evaluate Park West's exempt status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 23rd day of March, 1994.

STEVE TRIBBLE, Acting Director
Division of Records and Reporting

by: Kay Hagan
Chief, Bureau of Records

(S E A L)

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.