

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption) DOCKET NO. 950545-WS
from Florida Public Service) ORDER NO. PSC-95-0837-FOF-WS
Commission Regulation for) ISSUED: July 13, 1995
Provision of Water and)
Wastewater Service in Lake)
County by Calflor Utility)
Services)
_____)

ORDER INDICATING EXEMPT STATUS OF CALFLOR UTILITY SERVICES
AND CLOSING DOCKET

BY THE COMMISSION:

On May 10, 1995, Calflor Utility Services (Calflor or utility), a partnership, timely filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.021(5), Florida Statutes. Calflor is a utility supplying water and wastewater services at no cost to Citrus Valley Campground, a 191-site campground, in Lake County. The utility and the campground are both located at 2500 South U.S. Highway 27, Clermont, Florida 32711. The primary contact person for Calflor is Mr. John A. Priede of Citrus Valley Campground, P.O. Box 2989, Orlando, Florida 32802. Mr. Bruce G. Goren of Calflor Properties, owners of both the utility and the campground, filed a separate statement on June 22, 1995, authorizing Mr. Priede to act on behalf of the owners. Mr. Goren's mailing address is 10850 Wilshire Boulevard, Suite 600, Los Angeles, California 90024.

Calflor has been in operation in Lake County for approximately 20 years. On August 11, 1994, Calflor filed an application for certification, seeking to serve a single family residential development planned on land surrounding the campground. In Order No. PSC-95-0485-FOF-WS, issued April 13, 1995, we denied Calflor's request for water and wastewater certificates, having learned that Lake County had yet to approve the utility's development plans. Instead, we ordered the utility to file an application for an appropriate exemption pursuant to Section 367.022, Florida Statutes, within 60 days of the effective date of the order.

Upon request and sufficient proof, the Commission will issue an order recognizing the nonjurisdictional or exempt status of water and wastewater facilities, if they qualify under the

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appropriate provision of Chapter 367, Florida Statutes. While Calflor's application was filed in accordance with Section 367.022(5), Florida Statutes, and Rule 25-30.060(e), Florida Administrative Code, we believe that the application also satisfies the requirements of Section 367.022(4), Florida Statutes, and Rule 25-30.060(d), Florida Administrative Code.

Section 367.022(5), Florida Statutes, provides that landlords providing service to their tenants without specific compensation for the service are not subject to Commission regulation. Section 367.022(4), Florida Statutes, provides that public lodging establishments providing service solely in connection with service to their guests are not subject to Commission regulation. The applicant states that it provides services solely to its tenants and guests; that charges for the services are non-specifically contained in the rental charges; and that the service territory is limited to the campground at 2500 South U.S. Highway 27, Clermont, Florida 32711. A copy of the landlord's most recent version of a standard lease was included with the application.

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. In signing the application, Mr. Priede acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based on the facts as represented by the applicant, we find that Calflor is exempt from Commission regulation, pursuant to Sections 367.022(5) and (4), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Calflor or any successor in interest must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

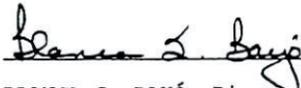
Based on the foregoing, it is, therefore

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Calflor Utility Services, 2500 South U.S. Highway 27, Clermont, Florida 32711, is exempt from Commission regulation, pursuant to Section 367.022(5), Florida Statutes, and Section 367.022(4), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Calflor Utility Services or any successor in interest shall inform the Commission within 30 days of such change so that its exempt status may be reevaluated. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 13th day of July, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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CJP

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.