

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from)	DOCKET NO. 900641-SU
Florida Public Service Commission)	ORDER NO. 23405
regulation for a sewage treatment)	ISSUED: 8-27-90
plant in Lee County by SW Florida)	
Regional Convention Center)	
)	

ORDER INDICATING THE EXEMPT STATUS OF
SW FLORIDA REGIONAL CONVENTION CENTER

BY THE COMMISSION:

SW Florida Regional Convention Center (applicant) plans to build a hotel and restaurant in Lee County, Florida. No wastewater treatment facilities are available to the site. Applicant has requested permitting from the Florida Department of Environmental Regulation of a package treatment plant to serve its project's customers.

Pursuant to Section 367.031, Florida Statutes, before the Department of Environmental Regulation (DER) will issue a construction permit, it requires either a certificate authorizing service or an order recognizing that the system is not subject to the regulation of this Commission. Therefore, by letter and affidavit received July 20, 1990, SW Florida Regional Convention Center has requested recognition of its exempt status under Section 367.022(4), Florida Statutes.

The affidavit shows that: SW Florida Regional Convention Center provides wastewater service solely in connection with service to its guests; and the package wastewater treatment facility is to be located on-site.

Section 367.022(4), Florida Statutes, states that public lodging establishments providing service solely in connection with service to their guests are exempt from Commission regulation. Based upon the facts as represented, we find that SW Florida Regional Convention Center is exempt from our regulation under the terms of Section 367.022(4), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of SW Florida Regional Convention Center, or any successor in interest, must inform the Commission within thirty days of such change, so that we may determine whether exempt status is then still appropriate.

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It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, SW Florida Regional Convention Center, located at 11081 Daniels Road Extension, Fort Myers, Florida, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(4), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of SW Florida Regional Convention Center's wastewater facility, the owner of SW Florida Regional Convention Center, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission,
this 27th day of August, 1990.



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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.