

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by KOBlick MARINE CENTER)	DOCKET NO. 881577-SU
for an exemption from FPSC regulation )	
for its sewer system in Key Largo, )	ORDER NO. 20612
Florida. )	
_____)	ISSUED: 1-18-89

ORDER INDICATING NON-JURISDICTIONAL STATUS OF  
KOBlick MARINE CENTER'S SEWAGE TREATMENT SYSTEM

BY THE COMMISSION:

On December 16, 1988, by letter and affidavit, Koblick Marine Center (Koblick) requested acknowledgement that the sewage treatment system for its establishment in Key Largo, Florida is exempt from Commission regulation.

The subject establishment is an existing marine research and educational facility consisting of a restaurant, cafeteria, dorm rooms, and public restrooms. Sewage treatment and disposal for the establishment is presently handled by an existing on-site septic system. The owners wish to expand the establishment, however the county health department is requiring that its sewage treatment system be upgraded to secondary as a condition for allowing any further construction on the site.

Koblick's affidavit states that the proposed sewage treatment plant will serve the Koblick Marine Center only, and that offsite sewage hookups will be neither solicited nor accepted. The affidavit also states that the requested exemption is claimed on the basis that Koblick is a privately-owned establishment which provides service solely to its own facility, and that no specific charge will be made to anyone for sewage service.

Koblick's engineer advised us in a telephone conversation on December 19, 1988 that the cost of providing sewage service will be considered to be an operational cost.

Section 367.011(3), Florida Statutes, provides that:

The Florida Public Service Commission shall have exclusive jurisdiction over each utility with respect to its authority, service, and rates. Emphasis supplied.

Section 367.021(3), Florida Statutes, defines a "utility" as an entity, "who is providing, or proposes to provide, water or sewer service to the public for compensation."

Since Koblick will treat the costs of the sewage system as operating expenses and it does not provide, or propose to provide, sewer service to the public for compensation, we find that Koblick Marine Center is not a "utility" within the meaning of Section 367.021(3), Florida Statutes, and thus is not subject to this Commission's jurisdiction.

In consideration of the above, it is therefore,

ORDERED by the Florida Public Service Commission that

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Koblick Marine Center, whose address is P. O. Box 756, Key Largo, Florida 33037, is not a "utility" as defined in Section 367.021(3), Florida Statutes, and thus is not subject to this Commission's jurisdiction. It is further

ORDERED that should there be any change in circumstances or method of operation, Koblick Marine Center, or its successor(s) in interest, shall inform this Commission within thirty days (30) of such change so that we may determine whether our decision herein is still appropriate. It is further

ORDERED that Docket No. 881577-SU is hereby closed.

By ORDER of the Florida Public Service Commission,  
this 18th day of JANUARY, 1989.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JRF

by: Kay Helton  
Chief, Bureau of Records