

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Request by SANDS SUBDIVISION )    | DOCKET NO. 890021-SU |
| AFFORDABLE HOUSING for exemption from )  |                      |
| FPSC regulation for a sewage treatment ) | ORDER NO. 20906      |
| facility in Monroe County. )             |                      |
| _____ )                                  | ISSUED: 3-16-89      |

ORDER INDICATING THE EXEMPT STATUS OF SANDS  
SUBDIVISION AFFORDABLE HOUSING SEWAGE TREATMENT SYSTEM

BY THE COMMISSION:

Sands Subdivision Affordable Housing Sewage Treatment System (Sands) is a fifteen single-family unit subdivision that is to be built in Monroe County, Florida. In order to serve the wastewater output of the Sands, the developer intends to construct a wastewater treatment plant, for which it needs a construction permit from the Department of Environmental Regulation (DER). Pursuant to Section 367.031, Florida Statutes, before DER will issue a construction permit, it requires either a certificate authorizing service or proof that the utility is exempt from the regulation of this Commission.

By letter dated December 16, 1988, the project engineer requested that the Sands be found exempt from this Commission's regulation. Attached to the request were copies of the Sands' DER permit application and an affidavit reciting the facts upon which the Sands' asserted status is based.

Pursuant to Section 367.022(6), Florida Statutes, a system with the capacity or proposed capacity to serve 100 or fewer persons is exempt from this Commission's regulation. Under Rule 25-30.055(1), Florida Administrative Code, such a system is exempt if its current or proposed capacity is no greater than 10,000 gallons per day (gpd). According to the Sands' DER permit application, the wastewater system will have a capacity of 5,250 gpd. The affidavit states that the wastewater system will only serve the subdivision and that the subdivision will consist of fifteen single-family homes.

Based upon the facts as presented herein, we find that the Sands will be exempt from this Commission's regulation under the small system exemption, Section 367.022(6), Florida Statutes. However, should there be any change in circumstances or method of operation, Sands, or its successor(s) in interest, shall inform this Commission within thirty days of such change so that we may reevaluate its regulatory status.

It is, accordingly,

ORDERED by the Florida Public Service Commission that the Sands Subdivision Affordable Housing Sewage Treatment System will be exempt from this Commission's regulation under Section 367.022(6), Florida Statutes, as a system with the capacity or proposed capacity to serve 100 or fewer persons. It is further

ORDERED that, should there be any change in circumstances or method of operation, the Sands Subdivision Affordable Housing Sewage Treatment System, or its successor(s) in interest, shall inform this Commission within thirty (30) days of such change so that we may reevaluate its regulatory status. It is further

ORDERED that Docket No. 890021-SU be and is hereby closed.

DOCUMENT NUMBER-DATE

02753 MAR 16 1989

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By ORDER of the Florida Public Service Commission,  
this 16th day of MARCH, 1989.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

RJP

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.