

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Red Beach R.V. Park) DOCKET NO. 890221-SU
 for Exemption from FPSC regulation for a)
 sewage treatment facility in Highlands) ORDER NO. 21078
 County.)
 _____) ISSUED: 4-20-89

FINAL ORDER INDICATING THE EXEMPT STATUS OF
RED BEACH R.V. PARK

BY THE COMMISSION:

Red Beach R.V. Park (Red Beach or the park) is a 106 unit recreational vehicle park with associated managerial and recreational amenities located off Tractor Road in Section 5, Township 35 South, Range 29 East, in Highlands County, Florida. This location is south of Sebring, Florida, from which the park will receive its water supply. The owner intends to construct a sewage treatment facility for service to the overnight customers in the 106 units in the park only and not for service to anyone outside the park. The cost for this service will be included in the rental fees for the lots which will include charges for water, sewer and electric.

Pursuant to Section 367.031, Florida Statutes, the owner of the park must present either a certificate authorizing service or proof of exemption from the Commission's jurisdiction to the Department of Environmental Regulation prior to obtaining a permit for construction of the proposed sewage treatment facility. By letter received by this Commission February 6, 1989, the owner of Red Beach has requested exemption from our regulation. Included with his letter requesting exemption is an affidavit of the owner attesting to his intention to serve only the units within the park and that he will charge one nightly rental fee which will include water, sewer and electric service. Section 367.022(5), Florida Statutes, provides an exemption from this Commission's regulation for landlords providing sewer service to their tenants without specific compensation for the service.

Upon consideration of the foregoing, we find that the proposed sewage treatment facility for Red Beach R.V. Park is exempt from this Commission's regulation pursuant to Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Red Beach R.V. Park or his successors in interest shall inform this Commission within thirty days of such change so that we may determine whether exempt status is still appropriate.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that the proposed sewage treatment facility for Red Beach R.V. Park, located off Tractor Road in Section 5, Township 35 South, Range 29 East, Highlands County, Florida, is exempt from regulation by this Commission pursuant to Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner or the successors in interest of Red Beach R.V. Park shall inform this Commission within thirty days of such change so that we may determine whether

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exempt status is still appropriate. It is further

ORDERED that Docket No. 890221-SU is hereby closed.

By ORDER of the Florida Public Service Commission,
this 20th day of APRIL, 1989



STEVE TRIBBLE, Director
Division of Records and Reporting

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