

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 940622-WS  
From Florida Public Service ) ORDER NO. PSC-94-0829-FOF-WS  
Commission Regulation For ) ISSUED: July 6, 1994  
Provision of Water and )  
Wastewater Service in Pasco )  
County by Traveler's Rest, Inc. )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS  
OF TRAVELER'S REST, INC. AND CLOSING DOCKET

BY THE COMMISSION:

On June 9, 1994, Traveler's Rest, Inc. (Traveler's Rest or Park) filed an application with this Commission for recognition of its nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. Traveler's Rest is an RV (recreational vehicle) park located at 29129 Johnston Road, Dade City, Florida. The Park also has mobile home lots which are leased to individuals on a yearly basis. Traveler's Rest's existing well will be capped, and an eight-inch well will be constructed to serve the Park. Wastewater service is provided by an on-site wastewater treatment facility. Mr. Robert L. Hume, General Manager and primary contact person, filed the application on behalf of Traveler's Rest.

Section 367.021(12), Florida Statutes, states that a "utility means a water or wastewater utility and except as provided in Section 367.022, includes every person, lessee, trustee, or receiver owning, operating, managing or controlling a system, or proposing construction of a system, who is providing or proposes to provide water or wastewater service to the public for compensation."

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. Upon review of Traveler's Rest's application, it was determined that Traveler's Rest does not qualify for nonjurisdictional status pursuant to Section 367.021(12), Florida Statutes. The Park does, however, qualify for exemption pursuant to Sections 367.022(4) and (5), Florida Statutes.

On June 17, 1994, Traveler's Rest refiled its application requesting recognition of its exempt status pursuant to Section

DOCUMENT FILED-DATE  
06657 JUL-6 1994  
PSC-RECORDS-REPORTING

367.022(4), Florida Statutes, and Rule 25-30.060(3)(d), Florida Administrative Code. 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. The application indicates that Traveler's Rest provides service only to its guests and the service territory is limited to the RV park located at 29129 Johnston Road, Dade City, Florida. There is no separate charge for utility service.

Section 367.022(5), Florida Statutes, states that an entity qualifies for exemption from Commission regulation if it provides service solely to its tenants, and there are no specific charges for the utility service. According to the information provided by Traveler's Rest, water and wastewater service is provided only to its tenants and the cost of such service is included as a nonspecific portion of the monthly rent.

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

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


It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Traveler's Rest, Inc., 29129 Johnston Road, Dade City, Florida 33525-6128, is exempt from Commission regulation, pursuant to the provisions of Sections 367.022(4) and (5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Traveler's Rest, Inc. or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate the Park's exempt status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 6th day of July, 1994.



\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

ALC

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