

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by TALL OAKS OF NAPLES,) DOCKET NO. 890149-SU
 INC. for exemption from FPSC regulation) ORDER NO. 21093
 for a sewage treatment facility in) ISSUED: 4-21-89
 Collier County.)
 _____)

ORDER INDICATING EXEMPT STATUS
OF TALL OAKS OF NAPLES, INC.

BY THE COMMISSION:

Tall Oaks of Naples, Inc. (Tall Oaks) is the owner and developer of a mobile home rental park in Collier County. The park, which is presently under construction, will be known as Tall Oaks of Naples, and will consist of 360 lots which will be rented to the public on a monthly basis.

Tall Oaks will receive its water from the county, however, since no off-site sewage treatment service is presently available, the developer is planning to construct a temporary on-site sewage treatment plant to service the park.

Prior to issuing Tall Oaks a construction permit, the Department of Environmental Regulation (DER), pursuant to Section 367.031, Florida Statutes, requires a certificate from this Commission authorizing Tall Oaks to provide sewage treatment service, or proof of exemption from regulation by the Commission.

Therefore, on January 30, 1989, by way of letter and sworn affidavit, Tall Oaks requested that we inform the DER that its above-discussed sewage treatment plant was exempt from our regulation. Tall Oaks' sworn affidavit specifically alleges that it does not plan to charge for sewer service and such service will be provided solely to the tenants of Tall Oaks of Naples Mobile Home Park. Tall Oaks' affidavit further alleges that any compensation received for the operation and maintenance of the sewage treatment facility will be nonspecifically contained in the lot rental charges.

Section 367.022(5), Florida Statutes, provides that "Landlords providing service to their tenants without specific compensation for the service" are not subject to our regulation. On the facts as represented, we find the subject entity to be exempt under Section 367.022(5), Florida Statutes.

It is, therefore,

ORDERED by the Florida Public Service Commission that based on the facts as represented, the sewer system owned by Tall Oaks of Naples, Inc., 525 Bearfoot Williams Road, Naples, Florida 33962 is hereby exempt under Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of the subject sewage treatment facility, Tall Oaks of Naples, Inc., or its successor(s) in interest, shall inform this Commission within thirty (30) days of such change so that we may determine whether our decision herein is

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still appropriate. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission,
this 21st day of APRIL, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JRF