

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by the SPORTSMAN'S LODGE)	DOCKET NO. 890597-SU
UTILITY CORPORATION for exemption from )	
FPSC regulation for a sewage treatment )	ORDER NO. 21679
facility in Putnam County )	
)	ISSUED: 8-3-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, CHAIRMAN  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

ORDER INDICATING THE EXEMPT STATUS OF  
THE SPORTSMAN'S LODGE UTILITY CORPORATION

BY THE COMMISSION:

The Sportsman's Lodge Utility Corporation (Sportsman's Lodge) is a nonprofit corporation which was established to provide sewer service to the proposed condominiums in the Original Sportsman's Lodge development. Pursuant to Section 367.031, Florida Statutes, before the Department of Environmental Regulation (DER) will issue a construction permit, it requires either a certificate authorizing service or proof that the utility is not subject to the regulation of this Commission. Therefore, by letter and affidavit received April 27, 1989, Sportsman's Lodge has requested recognition of its exempt status.

As a matter of practice, upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or sewer facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes. Sportsman's Lodge requested recognition of its exempt status under Section 367.022(7), Florida Statutes.

The affidavit, letters, Articles of Incorporation, proposed By-Laws, and Long Term Lease show that: Sportsman's Lodge is a nonprofit corporation; Sportsman's Lodge provides sewer service solely to its members; the members own and will control Sportsman's Lodge when over fifty (50) percent of the condominium units are sold; the nonprofit corporation holds the sewer facility and underlying land by a long-term lease; and

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Sportsman's Lodge is responsible for billing its members for sewer service.

Section 367.022(7), Florida Statutes states that nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit entities are exempt from Commission regulation. Based upon the facts as represented, we find that the Sportsman's Lodge Utility Corporation is exempt from our regulation under the terms of Section 367.022(7), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner(s) of Sportsman's Lodge, or any successor(s) in interest, must inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, the Sportsman's Lodge Utility Corporation, located at 222 North Third Street, Palatka, Florida 32077, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(7), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of the Sportsman's Lodge Utility Corporation's sewer facility, the owner(s) of the Sportsman's Lodge Utility Corporation or any successor(s) in interest, shall inform the Commission within thirty days of said change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission  
this 3rd day of AUGUST, 1989.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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