

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption) DOCKET NO. 920871-WU
From Florida Public Service) ORDER NO. PSC-93-0148-POF-WU
Commission Regulation for) ISSUED: 01/28/93
Provision of Water Service)
in Bradford County, Florida,)
by Browder's Lost Valley)
Campground.)
_____)

ORDER INDICATING EXEMPT STATUS
OF BROWDER'S LOST VALLEY CAMPGROUND AND CLOSING DOCKET

BY THE COMMISSION:

On August 28, 1992, Browder's Lost Valley Campground (Browder's or Campground) filed an application with this Commission for exemption from Commission regulation, pursuant to Section 367.022(4), Florida Statutes. Browder's, which has an on-site well, is located at Route 3, Box 75 in Starke Florida. Mr. Henry Browder, Owner, filed the application on behalf of Browder's.

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. Browder's filed the application for exemption from Commission regulation pursuant to Section 367.022, Florida Statutes, and Rule 25-30.060((1), (2) and (3)(d), Florida Administrative Code. Specifically, the application requested exemption in accordance with Section 367.022(5), Florida Statutes. However, after reviewing the application, we determined that Browder's qualifies for a landlord/tenant exemption, pursuant to Section 367.022(4), Florida Statutes.

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 Browder's provides service only to its guests and the service territory is limited to the Campground. There is no separate charge for utility service. Wastewater service is provided by private septic tank.

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. Browder

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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 Browder's is exempt from our regulation pursuant to the provisions of Section 367.022(4), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Browder's, or any successor in interest, must inform the Commission within 30 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, Browder's Lost Valley Campground, Route 3, Box 75, Starke, Florida 32091, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(4), Florida Statutes. It is further

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

ORDERED that Docket No. 920871-WU is hereby closed.

By ORDER of the Florida Public Service Commission this 28th day of January, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.