

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption ) DOCKET NO. 921309-WS  
From Florida Public Service ) ORDER NO. PSC-93-0381-FOF-WS  
Commission Regulation for Water ) ISSUED: 03/11/93  
and Wastewater System in St. )  
Lucie County, Florida by Royal )  
Fountain Motel. )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS OF ROYAL FOUNTAIN MOTEL  
AND CLOSING DOCKET

BY THE COMMISSION:

On December 24, 1992, Royal Fountain Motel filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(4), Florida Statutes. Royal Fountain Motel is located at 4891 North U.S. Highway No. 1, Fort Pierce, Florida 34946. Mr. Jose Alvarez, sole proprietor and primary contact person, filed the application on behalf of Royal Fountain Motel. His mailing address is the same as the system address.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed under Section 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 Royal Fountain Motel provides service only to its guests and the service territory is limited to the property located at 4891 North U.S. Highway No. 1. Wastewater service is provided by a septic tank. There are no separate charges for utility services.

In addition, the application form states that pursuant to Section 837.06, Florida Statutes, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Jose Alvarez acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

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Based upon the facts as represented, we find that Royal Fountain Motel is exempt from Commission regulation, pursuant to the provisions of Section 367.022(4), Florida Statutes. Should there be any change, however, in circumstances or method of operation, the owner of Royal Fountain Motel or any successor in interest must inform the Commission within 30 days of such change so that we may reevaluate Royal Fountain Motel's exempt status.

Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Royal Fountain Motel, 4891 North U.S. Highway No. 1, Fort Pierce, Florida 34984 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 Royal Fountain Motel or any successor in interest, shall inform this Commission within 30 days of such change so that its exempt status may be reevaluated. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission this 11th day of March, 1993.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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by: Kay J. Lynn  
Chief, Bureau of Records

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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.