

MEMORANDUM

June 23, 1995

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FRSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (CROSBY) *[Signature]*
RE: DOCKET NO. 941044-WS - RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY DECLARING CHARLOTTE COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES - REQUEST FOR EXEMPTION FOR PROVISION OF WATER AND WASTEWATER SERVICE IN CHARLOTTE COUNTY BY GULF VIEW RESORT

6794-FUF

Attached is an Order Indicating Exempt Status of Gulf View resort and Closing Docket to be issued in the above-referenced Docket. (Number of Pages in Order - *4*) (Document No. 941044M.ALC)

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Attachment

cc: Division of Water and Wastewater
(Brady)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board) DOCKET NO. 941044-WS
of County Commissioners of) ORDER NO. PSC-95-0794-FOF-WS
Charlotte County Declaring) ISSUED: July 3, 1995
Charlotte County Subject to the)
Provisions of Chapter 367,)
Florida Statutes - Request For)
Exemption For Provision of Water)
and Wastewater Service by Gulf)
View Resort.)
_____)

ORDER INDICATING EXEMPT STATUS
OF GULF VIEW RESORT

BY THE COMMISSION:

On March 31, 1995, Gulf View Resort (Gulf View) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(4), Florida Statutes. Gulf View is a 188-unit recreational vehicle (R.V.) park located at 10205 Burnt Store, Punta Gorda, Florida. Mr. James P. Brussee, General Manager and primary contact person, filed the application on behalf of Gulf View. Mr. Brussee's address is 1001 Riverside Drive, Palmetto, Florida 34221.

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. The application was filed in accordance with 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.

After reviewing the application and verifying the information with Mr. Brussee, it was determined that Gulf View also qualifies for exemption pursuant to Section 367.022(5), Florida Statutes, which states that an entity qualifies for exemption from Commission

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regulation if it provides service solely to its tenants, and there are no specific charges for the utility service. On June 19, 1995, Gulf View filed an application requesting recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes.

According to Gulf View's applications, 122 units out of the 188-units are currently long-term tenants. There are no leases; tenants rent month-to-month. Gulf View provides service only to its guests and/or tenants, and the service territory is limited to the R.V. park located at 10205 Burnt Store Road, Punta Gorda, Florida. There is no separate charge for water and wastewater service to short-term guests; and water and wastewater service is included as a nonspecific portion of the rent for long-term tenants.

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. Brussee 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 Gulf View is exempt from Commission regulation, pursuant to the provisions of Section 367.022(4) and (5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Gulf View 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, Gulf View Resort, 10205 Burnt Store Road, Punta Gorda, Florida 33950, is exempt from Commission regulation, pursuant to the provisions of Section 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 Gulf View Resort or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate its exempt status. It is further

ORDERED that this docket shall remain open to process additional exemptions.

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DOCKET NO. 941044-WS
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By ORDER of the Florida Public Service Commission, this 3rd
day of July, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: *Kay Flynn*
Chief, Bureau of Records

(S E A L)

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