

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by HERITAGE PLANTATION)	DOCKET NO. 881474-SU
R.V. RESORT for exemption from FPSC)	
for a sewage treatment plant in Desoto)	ORDER NO. 20631
County.)	
_____)	ISSUED: 1-20-89

ORDER INDICATING THE EXEMPT STATUS
OF HERITAGE PLANTATION R.V. RESORT

BY THE COMMISSION:

Heritage Plantation R.V. Resort (Heritage) is a proposed recreational vehicle (R.V.) and motel resort to be constructed in Desoto County, Florida. The development plans include those for a sewage treatment plant to serve the R.V. park and motel, for which Heritage needs a construction permit from the Department of Environmental Regulation (DER). Pursuant to Section 367.031, Florida Statutes, before DER will issue a construction permit, it requires either a certificate authorizing service or an order indicating that the utility is not subject to the regulation of this Commission.

By letter dated November 8, 1988, Heritage requested that it be found exempt from this Commission's regulation. Attached to its request was an affidavit reciting the facts upon which its asserted regulatory status is based. According to the affidavit, "[c]onstruction of the proposed sewage treatment plant is for service of the . . . units only and not for service of units outside the park. The cost of this service will be included in the rental fees from the lots or rooms."

Under Section 367.022(4), Florida Statutes, "[p]ublic lodging establishments providing service solely in connection with service to their guests" are exempt from this Commission's regulation. Since the affidavit states that service will be provided solely to the public lodging units and that the costs will be included in the rental fees, this Commission finds that Heritage will be exempt from its regulation pursuant to Section 367.022(4), Florida Statutes. However, should there be any change in circumstances or method of operation, Heritage, or its successor(s) in interest, must inform this Commission within thirty days of such change so that we may reevaluate its regulatory status.

It is, therefore,

ORDERED by the Florida Public Service Commission that Heritage Plantation R.V. Resort is exempt from the regulation of this Commission pursuant to the public lodging establishment exemption, Section 367.022(4), Florida Statutes. It is further

ORDERED that, should there be any change in circumstances or method of operation, Heritage Plantation R.V. Resort or its successor(s) in interest, shall notify this Commission within thirty (30) days of such change so that we may reevaluate its regulatory status. It is further

ORDERED that Docket No. 881474-SU be and is hereby closed.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission,
this 20th day of JANUARY, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

by: *Kay Wilson*
Chief, Bureau of Records