

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by YOGI BEAR RIVER) DOCKET NO. 881541-WS
 OAKS R.V., INC. for an exemption from) ORDER NO. 20765
 FPSC regulation for a water and sewer) ISSUED: 2-17-89
 system in DeSoto County.)
 _____)

ORDER INDICATING EXEMPT STATUS OF
YOGI BEAR RIVER OAKS R.V., INC.

BY THE COMMISSION:

Yogi Bear River Oaks R.V., Inc. (Yogi Bear) is a proposed recreational vehicle park in DeSoto County, Florida. The park plans to construct water and sewer facilities to serve its overnight and weekly lot rental customers.

Pursuant to Section 367.031, Florida Statutes, the Department of Environmental Regulation (DER) routinely requires a certificate from this Commission authorizing the utility to provide utility service, or proof of exemption from Commission regulation. To comply with this DER requirement, on February 6, 1989, by way of letter and sworn affidavit, Yogi Bear requested that we issue a letter to the DER acknowledging that Yogi Bear's proposed water and sewer systems will be exempt from our regulation. Yogi Bear's sworn affidavit specifically alleges that it "will not charge any customers for sewer or water service, as service is provided solely to ... meet the needs of its operations". Yogi Bear's affidavit also alleges that, "All costs of providing sewer service are treated as operational expenses..." as further justification for its requested exemption from our regulation.

Section 367.022(4), Florida Statutes, provides that "Public lodging establishments providing service solely in connection with service to their guests" are not subject to our regulation. On the facts as represented, we find the subject water and sewer utility to be exempt under Section 367.022(4), Florida Statutes.

It is, therefore,

ORDERED by the Florida Public Service Commission that based on the facts as represented, the water and sewer systems owned by Yogi Bear River Oaks R.V., Inc., 850 Kingsway Circle, Lake Suzy, Florida 33821 is hereby exempt under Sections 367.022(4), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of the subject water and sewer utility, Yogi Bear River Oaks R.V., Inc., or its successor(s) in interest, shall inform this Commission within thirty (30) days of such change so that we may determine whether our decision herein is still appropriate. It is further

ORDERED that this docket shall be closed.

ORDER NO. 20765
DOCKET NO. 881541-WS
PAGE 2

By ORDER of the Florida Public Service Commission
this 17th day of FEBRUARY, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JRF