

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by SUGARLOAF LODGE	)	DOCKET NO. 881542-SU
for exemption from Florida Public	)	
Commission regulation for sewer	)	ORDER NO. 20769
service in Monroe County	)	
<hr/>		ISSUED: 2-17-89

ORDER INDICATING EXEMPT STATUS OF SUGARLOAF LODGE

BY THE COMMISSION:

The Sugarloaf Lodge, ("Lodge"), is a 55 unit motel with a 125 seat restaurant in Monroe County. The Lodge is served by a sewage treatment plant that has experienced periodic problems in meeting treatment efficiencies. Therefore, the Lodge owner intends to add treatment capacity to the sewage treatment plant. In order to begin construction, a permit from the Department of Environmental Regulation (DER) is required. Pursuant to Section 367.031, Florida Statutes, before DER will authorize a construction permit, it requires either a certificate authorizing service or proof of exemption from regulation by this Commission.

On November 28, 1988, the Lodge requested that it be found exempt from our regulation pursuant to the public lodging exemption, Section 367.022(4), Florida Statutes. Enclosed was an affidavit, signed by the Lodge owner, and a copy of the application for a construction permit from the Department of Environmental Regulation.

Section 367.022(4), Florida Statutes, exempts public lodging establishments that provide service solely in connection with service to their guests from this Commission's regulation. The affidavit states that the Lodge is a motel that provides service to its guests in the form of lodging, and restaurant facilities. The affidavit further states that sewer service is provided solely to Lodge guests and no specific charge is levied to guests for sewer service.

Upon consideration of the foregoing, we find that Sugarloaf Lodge is a public lodging establishment that provides sewer service solely in connection with service to its guests and is thus exempt from this Commission's regulation under the terms of Section 367.022(4), Florida Statutes. However, should there be any change in circumstance or method of operation, Sugarloaf Lodge, or its successor(s) in interest, must inform this Commission within 30 days of such change so that exempt status may be reevaluated.

WHEREFORE, in consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the above described sewer service to be provided by the Sugarloaf Lodge, whose address is P. O. Box 148, Sugarloaf Shores, Florida 33044 is exempt from regulation pursuant to the public lodging exemption, Section 367.022(4), Florida Statutes. It is further

ORDERED that in the event of any change in circumstances or method of operation that might affect its exempt status, the owner of the Sugarloaf Lodge, or its successor(s) in interest,

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should inform this Commission within 30 days of such change so that exempt status may be reevaluated. It is further

ORDERED that this docket is closed.

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 )

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