

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by the BRUCE HOTEL)	DOCKET NO. 890015-SU
for exemption from FPSC regulation)	ORDER NO. 20801
for a sewage treatment facility)	ISSUED: 2-24-89
in Monroe County.)	

ORDER INDICATING EXEMPT STATUS OF
THE BRUCE HOTEL'S SEWAGE TREATMENT SYSTEM

BY THE COMMISSION:

The Bruce Hotel (the hotel) is a proposed 22-unit motor hotel being developed by Inn Resorts, Inc. (the developer) in Monroe County, Florida. The developer plans to construct a sewage treatment system to serve the hotel only. Once completed, the hotel will own and operate the subject sewage treatment system.

Prior to issuing a utility construction permit, the Department of Environmental Regulation (DER), pursuant to Section 367.031, Florida Statutes, requires a certificate from this Commission, or proof of exemption from our regulation. By way of letter dated December 28, 1988, and a sworn affidavit dated December 30, 1988, the developer requested that we acknowledge that the hotel's proposed sewage treatment system will be exempt from our regulation. As justification for the requested exemption, the developer alleged that the hotel's sewage treatment system will have the capacity of no more than 5,500 gallons per day.

Section 367.022(6), Florida Statutes, provides that sewer "Systems with the capacity or proposed capacity to serve 100 or fewer persons" are exempt from our regulation. Rule 25-30.055, Florida Administrative Code, construes this statute to mean that sewer systems which have a capacity of no greater than 10,000 gallons per day are exempt from our regulation. On the facts as represented, the Bruce Hotel's sewer system will not be subject to our regulation.

It is, therefore,

ORDERED by the Florida Public Service Commission that based on the facts as represented, the proposed sewage treatment system of the Bruce Hotel, Ocean View Blvd., Key Largo, Florida 33037 will be exempt from this Commission's regulation under Section 367.022(6), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of the subject sewage treatment system, the Bruce Hotel, or its successor 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 is hereby closed.

DOCUMENT NUMBER-DATE

02093 FEB 24 1989

FPSC-RECORDS/REPORTING

ORDER NO. 20801
DOCKET NO. 890015-SU
ISSUED: 2/24/89

By ORDER of the Florida Public Service Commission
this 24th day of FEBRUARY, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JRF