

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Request by CAN AMERICAN NAPLES) | DOCKET NO. 890046-SU |
| LIMITED for an exemption from FPSC) | ORDER NO. 20802 |
| regulation for a sewer system in) | ISSUED: 2-24-89 |
| Collier County.) | |

ORDER INDICATING EXEMPT STATUS
OF CAN AMERICAN NAPLES LIMITED

BY THE COMMISSION:

Can American Naples Limited (Can American), is the owner of a 400-unit multifamily apartment complex (Sandevar Apartments), presently being developed by SCA Development, Inc. in Collier County, Florida. In a letter dated December 27, 1988, Can American advised us that the Collier County Utilities Division cannot presently provide sewer service to its subject apartment complex. Therefore, they are planning to construct an interim on-site sewage treatment facility which they will operate until such time as Collier County can provide sewer service.

Pursuant to Section 367.031, Florida Statutes, prior to issuing a utility construction permit, the Department of Environmental Regulation (DER), requires a certificate from this Commission authorizing a utility to provide sewer service, or proof of exemption from our regulation.

Consequently, by way of a letter dated December 27, 1988, and a sworn affidavit dated January 9, 1989, Can American requested that we acknowledge that its proposed sewage treatment plant will be exempt from our regulation. Can American's letter and sworn affidavit specifically alleges that it does not plan to charge its residents for sewer service "as service is provided solely to Sandevar Apartments to meet the needs of its operation". Can American'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(5), Florida Statutes, provides that "Landlords providing service to their tenants without specific compensation for the service" are not subject to our regulation. On the facts as represented, we find the subject sewer utility to be exempt under Section 367.022(5), Florida Statutes.

It is, therefore,

ORDERED by the Florida Public Service Commission that based on the facts as represented, the sewer system owned by Can American Naples Limited, 5051 Castello Drive, Suite 200, Naples, Florida 33940 is hereby exempt under Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of the subject sewer utility, Can American Naples Limited, 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

DOCUMENT NUMBER-DATE

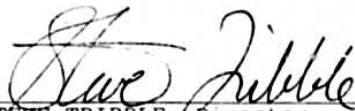
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ORDERED that this docket shall be closed.

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