

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request of WOODSIDE LANES) DOCKET NO. 880772-SU
 for exemption from FPSC jurisdiction) ORDER NO. 20093
 for a sewer utility in Collier County.) ISSUED: 9-30-88

ORDER INDICATING THE NON-JURISDICTIONAL STATUS OF
WOODSIDE LANES

BY THE COMMISSION:

Woodside Lanes, Inc. proposes to construct an on-site package treatment plant to serve Woodside Lanes, a bowling alley and lounge to be constructed in Collier County. No sewage treatment facilities are available to the site. In order to construct the plant, Woodside Lanes needs a permit from the Department of Environmental Regulation (DER). Pursuant to Section 367.031, Florida Statutes, either a certificate authorizing service or proof of exemption from the Commission's jurisdiction is required prior to issuance of a DER construction permit.

On June 9, 1988, Lawrence E. Hildreth, Project Engineer with Avalon Engineering and Authorized Representative of Woodside Lanes, filed a request that Woodside Lanes be found exempt from regulation by this Commission pursuant to Section 367.021, Florida Statutes. Submitted with the letter was an affidavit stating the facts upon which the request for exemption is based.

Section 367.021(3), Florida Statutes, defines a utility as

a water or sewer utility and, except as provided in s. 367.022, includes every person, lessee, trustee or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or sewer service to the public for compensation.

The affidavit submitted by Woodside Lanes states that sewer service will be provided solely to the bowling alley and lounge and that it will not charge for the service. All costs will be treated as operational expenses and the plant will be located on the grounds of the bowling alley and lounge.

Based on the foregoing, we find that Woodside Lanes is not a utility within the definition of Section 367.021(3), Florida Statutes, as it will not provide service to the public for compensation. However, should there be any change in circumstances or method of operation, Woodside Lanes, or its successor(s) in interest, must inform this Commission within thirty (30) days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that Woodside Lanes, 8525 Radio Road, Naples, Florida 33942, is not subject to the jurisdiction of this Commission since it is not a utility within the definition of Section 367.021(3), Florida Statutes. It is further

ORDERED that, should there be any change in circumstance or method of operation, Woodside Lanes, or its successor in

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interest, shall inform this Commission within thirty (30) days of such change so that we may determine whether exempt status is still appropriate. It is further

ORDERED that Docket No. 880772-SU is hereby closed.

By ORDER of the Florida Public Service Commission,
this 30th day of September, 1988.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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by: Kay Flynn
Chief, Bureau of Records