

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by LAKELAND EQUITIES ) DOCKET NO. 890226-WS  
 DEVELOPMENT CORPORATION for exemption ) ORDER NO. 21091  
 from FPSC regulation for a sewage ) ISSUED: 4-21-89  
 treatment facility in Hernando County. )  
 \_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS OF  
LAKELAND EQUITIES DEVELOPMENT CORPORATION

BY THE COMMISSION:

Lakeland Equities Development Corporation (LEDC) is planning to construct a commercial development known as Sunrise Plaza Shopping Center (Sunrise Plaza) in Hernando County. Since no sewer service is available in the immediate vicinity of Sunrise Plaza, LEDC is planning to construct a temporary sewage treatment plant on leased property adjacent to Sunrise Plaza.

Prior to issuing LEDC a construction permit, the Department of Environmental Regulation (DER), pursuant to Section 367.031, Florida Statutes, requires a certificate from this Commission authorizing LEDC to provide sewage treatment service, or proof of exemption from regulation by the Commission.

Therefore, on February 10, 1989, by way of letter and sworn affidavit, LEDC requested that we inform the DER that LEDC was exempt from our regulation. LEDC's sworn affidavit specifically alleges that LEDC will not collect any specific charges from its tenants in Sunrise Plaza for sewer service. LEDC's affidavit further alleges that any compensation received for sewer service will be nonspecifically contained in the tenant's monthly rents/leases.

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 Lakeland Equities Development Corporation, 2000 E. Edgewood Drive, Suite 214, Lakeland, Florida 33802 is hereby exempt from Commission regulation 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, Lakeland Equities Development Corporation, 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.

DOCUMENT NUMBER-DATE

04048 APR 21 1989

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By ORDER of the Florida Public Service Commission,  
this 21st day of APRIL, 1989.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JRF