

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by KEY LARGO HOLIDAY)	DOCKET NO. 890857-SU
HARBOUR, INC. for exemption from PSC)	
regulation for a sewer system in)	ORDER NO. 21672
Monroe County)	
_____)	ISSUED: 8-3-89

ORDER INDICATING THE EXEMPT STATUS OF
KEY LARGO HOLIDAY HARBOUR, INC.

BY THE COMMISSION:

Key Largo Holiday Harbour, Inc. (Key Largo) plans to construct a 30,000 gallon per day interim sewage treatment plant to serve its proposed hotel in Key Largo, Florida. The facility will be in operation until the municipal sewer system is available. Pursuant to Section 367.031, Florida Statutes, before the Department of Environmental Regulation (DER) will issue a construction permit, it requires either a certificate authorizing service or proof that the utility is not subject to the regulation of this Commission. Therefore, by letters received July 5, 13, and 26, 1989, and affidavit received July 26, 1989, Key Largo has requested recognition of its exempt status.

As a matter of practice, upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or sewer facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes. Key Largo requested recognition of its exempt status under Section 367.022(4), Florida Statutes.

The affidavit and letters show that: Key Largo will provide sewer service solely in connection with service to its guests; and the sewer facility will be located on the premises of the proposed Key Largo Hilton Hotel.

Section 367.022(4), Florida Statutes, states that public lodging establishments providing service solely in connection with service to their guests are exempt from Commission regulation. Based upon the facts as represented, we find that Key Largo is exempt from our regulation under the terms of Section 367.022(4), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Key Largo, or any successor(s) in interest, must inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

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It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Key Largo Harbour, Inc., located at P. O. Box 1548, Key Largo, Florida 33037, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(4), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of Key Largo Harbour, Inc.'s sewer facility, the present owner, or any successor(s) in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission
this 3rd day of AUGUST, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all

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requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.