

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption ) DOCKET NO. 920568-SU  
from Florida Public Service ) ORDER NO. PSC-92-0676-FOF-SU  
Commission regulation for a ) ISSUED: 07/21/92  
wastewater system in Collier )  
County by ROYAL COVE )  
\_\_\_\_\_ )

ORDER INDICATING THE EXEMPT STATUS OF ROYAL COVE

Royal Cove of Naples, Inc. (Royal Cove or utility) is a wastewater system serving a 25-unit mobile home park in Collier County. The system has a rated plant capacity of 5,000 gallons per day (gpd). The water service is provided by Collier County. On June 1, 1992, Royal Cove requested recognition of the exempt status of its wastewater system under section 367.022(6), Florida Statutes, which provides an exemption for systems serving 100 or fewer persons.

Royal Cove had been issued a letter of exemption by our staff on August 15, 1985. After a complaint was received on or about April 20, 1992, our staff determined that it was necessary to reevaluate the exempt status of the utility and requested the utility to file an application for exemption so it might be granted an exemption by order, if such was found appropriate.

The application was filed in accordance with section 367.022(6), Florida Statutes, and Rules 25-30.055 and 25-30.060, Florida Administrative Code. Included with the application was the affidavit of Richard Vetter, President of Royal Cove, stating that: Royal Cove provides only wastewater service; the wastewater system has the capacity to serve 100 or fewer persons; and the service area is limited to Royal Cove Drive. Documents to support the request for exemption were filed prior to the formal application. Royal Cove was permitted by the Department of Environmental Regulation, Permit No. D011-181641, on June 26, 1990, through 1995, with a rated plant capacity of 5,000 gpd.

Section 367.022(6), Florida Statutes, states that "[s]ystems with the capacity or proposed capacity to serve 100 or fewer persons" are exempt from Commission regulation. In addition, Rule 25-30.055(1), Florida Administrative Code, provides that:

A water or sewer system is exempt under section 367.022(6), Florida Statutes, if its current or proposed water or sewage treatment facilities and distribution or collection system have and will have a capacity, excluding fire flow capacity, of no greater

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than 10,000 gallons per day or if the entire system is designed to serve no greater than 40 equivalent residential connections (ERCs). For purposes of this rule only, one ERC equals 250 gallons per day.

Based on the facts as represented, we find that Royal Cove's wastewater system is exempt from our regulation pursuant to section 367.022(6), Florida Statutes. We further find that Royal Cove or its successor in interest shall inform this Commission of any change in circumstances or method of operation within 30 days of the change so we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based on the facts as represented, Royal Cove of Naples, Inc.'s wastewater system, located at 127 and 128 Royal Cove Drive, Naples, Florida 33940, is hereby exempt from Commission regulation pursuant to section 367.022(6), Florida Statutes. The contact person is Mr. Richard Vetter, 4000 Bayshore Drive, Suite A, Naples, Florida 33962. It is further

ORDERED that should there be any change in circumstances or method of operation of Royal Cove of Naples Inc.'s wastewater system, the owner of Royal Cove or any successor in interest, shall inform the Commission within 30 days of the change. It is further

ORDERED that this docket be closed.

By Order of the Florida Public Service Commission this 21st day of July, 1992.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

KAC

by: Kay Flynn  
Chief, Bureau of Records

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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 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.