

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption) DOCKET NO. 920921-WU
from Florida Public Service) ORDER NO. PSC-92-1259-FOF-WU
Commission Regulation for) ISSUED: 11/03/92
Provision of Water Service)
in Alachua County by Finway)
Fish Camp)
_____)

ORDER INDICATING EXEMPT STATUS OF
FINWAY FISH CAMP AND CLOSING DOCKET

BY THE COMMISSION:

On September 11, 1992, Finway Fish Camp filed an application for exemption from Commission regulation, pursuant to Section 367.022(4), Florida Statutes. Mr. Winfield K. Boggs, Owner/Manager, filed the application on behalf of Finway Fish Camp. According to Section 367.022(4), Florida Statutes, public lodging establishments providing service solely in connection with service to its guests are exempt from Commission regulation.

Finway Fish Camp is located off Highway 301, five miles South of Hawthorne. According to the application, water is provided only to the Camp's facilities, which consist of six rental cabins and several RV hook-ups. Wastewater service is provided by two private septic tanks located at the Camp.

The application form states that pursuant to Section 837.06, Florida Statutes, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Boggs acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Finway Fish Camp is exempt from Commission regulation, pursuant to Section 367.022 (4), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Finway Fish Camp, or any successor in interest, must inform the Commission within 30 days of the change, so we can determine if exempt status is still appropriate.

It is, therefore,

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ORDERED by the Florida Public Service Commission that, based on the facts as represented, Finway Fish Camp, Post Office Box 23, Hawthorne, Florida 32640, is hereby exempt from Commission regulation, pursuant to Section 367.022(4), Florida Administrative Code. It is further

ORDERED that should there be any change in circumstances or method of operation of the water and wastewater facilities, the owner of Finway Fish Camp, or any successor in interest, shall inform the Commission within 30 days of the change so that the Camp's exempt status may be re-evaluated. It is further

ORDERED that Docket No. 920921-WU is hereby closed.

By ORDER of the Florida Public Service Commission this 3rd day of November, 1992.



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 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.