

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 921162-WS
from Florida Public Service) ORDER NO. PSC-93-0403-POF-WS
Commission regulation for) ISSUED: 03/15/93
provision of water and)
wastewater service in Alachua)
County by Scottish Inn.)
_____)

ORDER INDICATING THE EXEMPT
STATUS OF SCOTTISH INN

BY THE COMMISSION:

On November 9, 1992, the Scottish Inn filed an application with this Commission for recognition of nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. However, it was determined that the Scottish Inn meets the qualifications for a public lodging exemption pursuant to Section 367.022(4), Florida Statutes, as opposed to nonjurisdictional status. On March 4, 1993, Scottish Inn applied for an exemption from Commission regulation pursuant to Section 367.022(4), Florida Statutes, which provides for a public lodging exemption. The contact person is Mr. Richard Tisdale and the mailing address is P.O. Box 767, Melrose, Florida 32666.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed under Section 367.022(4), Florida Statutes, and Rule 25-30.060(3)(d), Florida Administrative Code.

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. The application indicates that Scottish Inn provides service only to its guests and the service territory is limited to the Inn located at Highway No. I-75, Micanopy, Florida.

The Scottish Inn owns and operates a well and wastewater treatment plant for its daily use. Furthermore, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

Based on the facts as represented, we find that Scottish Inn is exempt from Commission regulation, pursuant to the provisions of Section 367.022(4), Florida Statutes. Should there be any change,

DOCUMENT NUMBER-DATE

02814 MAR 15 93

FPSO-RECORDS/REPORTING

however, in circumstances or method of operation, the owner of Scottish Inn or any successor in interest must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

Based upon the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that, based on the facts as represented, Scottish Inn, I-75, Micanopy, Florida 32667, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(4), Florida Statutes. The contact person is Richard M. Tisdale, P.O. Box 767, Melrose, Florida 32666. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of the Scottish Inn or its successor(s) in interest shall inform this Commission of the change within 30 days so we may reevaluate its nonjurisdictional status. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 15th day of March, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

KAC

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.