

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption ) DOCKET NO. 941086-WU  
From Florida Public Service ) ORDER NO. PSC-94-1373-FOF-WU  
Commission Regulation For ) ISSUED: November 10, 1994  
Provision of Water Service in )  
Levy County by Devils Den. )  
\_\_\_\_\_)

ORDER INDICATING EXEMPT STATUS  
OF DEVILS DEN AND CLOSING DOCKET

BY THE COMMISSION:

On October 11, 1994, Devils Den filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(4), Florida Statutes. Devils Den is an overnight recreational vehicle (RV) park, which is currently under construction. The park is scheduled to be completed in February or March, 1995, and will have 40 RV sites/lots. Devils Den will be located at Route 3, Box 23DD, Williston, Florida. Mr. Ray Webber, co-owner of Devils Den and President of D D Diving, Inc., filed the application on behalf of Devils Den. The primary contact person is Mr. Ron Christensen, who is also co-owner of Devils Den.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with 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 Devils Den provides water service only to its guests and the service territory is limited to the Southeast 1/4 of the Southeast 1/4 of Section 26, Township 12 South, Range 18 East, Levy County, Florida. There is no separate charge for utility service. Wastewater Service is provided by septic tank.

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In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(d), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Webber 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 Devils Den is exempt from our regulation pursuant to the provisions of Section 367.022(4), Florida Statutes. However, should there be any change in circumstances or method of operation, the owners of Devils Den, or any successor in interest, must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Devils Den, c/o D D Diving, Inc., Route 3, Box 23DD, Williston, Florida 32696, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(4), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owners of Devils Den or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate its exempt status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 10th day of November, 1994.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

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 wastewater 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.