

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 951571-WS
From Florida Public Service) ORDER NO. PSC-96-0138-FOF-WS
Commission Regulation For) ISSUED: January 31, 1996
Provision of Water and)
Wastewater Service in DeSoto)
County by L. W. Utilities, Inc.)
_____)

ORDER INDICATING EXEMPT STATUS
OF L. W. UTILITIES, INC. AND CLOSING DOCKET

BY THE COMMISSION:

On December 19, 1995, L. W. Utilities, Inc. (LWUI) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(4), Florida Statutes. LWUI, which provides water and wastewater service to a recreational vehicle (RV) park, is located at 5905 Northeast Highway 17, Arcadia, Florida. Ms. Carolyn W. Bearden, President, filed the application on behalf of LWUI. The primary contact person is Mr. Ralph H. Bearden, Jr.

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 LWUI provides service only to its guests and the service territory is limited to the RV park located at 5905 Northeast Highway 17, Arcadia, Florida. There is no separate charge for utility service.

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, Ms. Bearden acknowledged that she is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

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ORDER NO. PSC-96-0138-FOF-WS
DOCKET NO. 951571-WS
PAGE 2

Based on the facts as represented, we find that LWUI is exempt from our regulation pursuant to Section 367.022(4), Florida Statutes. However, the owner of LWUI or any successors in interest are put on notice that if there is any change in circumstance or method of operation, it should 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, L. W. Utilities, Inc., 4004 Northeast Barton Terrace, Arcadia, Florida 33821, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(4), Florida Statutes. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 31st day of January, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

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ORDER NO. PSC-96-0138-FOF-WS
DOCKET NO. 951571-WS
PAGE 3

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.