

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Coral Lagoon Resort) DOCKET NO. 881433-SU
 for exemption from FPSC regulation for) ORDER NO. 20590
 a sewer system in Monroe County.) ISSUED: 1-12-89

ORDER INDICATING THE EXEMPT STATUS OF
CORAL LAGOON RESORT

BY THE COMMISSION:

Coral Lagoon Resort, a resort motel in Monroe County, has requested recognition by us of exempt status for its sewer system. In support of that request, the owner of Coral Lagoon Resort has provided an affidavit stating that the subject sewer system provides service solely to the tenants of Coral Lagoon Resort without any specific compensation for that service stated in the rent.

Pursuant to Section 367.031, Florida Statutes (1987), either a certificate authorizing service or proof of exemption from the Commission's jurisdiction is required prior to issuance of a Department of Environmental Regulation construction permit. As a matter of practice, upon request and sufficient proof, we will issue an order indicating the exempt status of water or sewer facilities which meet the requirements for a statutory exemption.

Section 367.022(5), Florida Statutes (1987), provides that the utility systems of "landlords providing service to their tenants without specific compensation for the service" are not subject to regulation by us. On the facts as represented, we find that Coral Lagoon Resort is an exempt utility under Section 367.022(5), Florida Statutes (1987).

It is, therefore,

ORDERED by the Florida Public Service Commission that based upon the letter and affidavit submitted by Coral Lagoon Resort, whose mailing address is c/o Glen Boe & Associates, Inc., P. O. Box 3406, Marathon Shores, Florida 33052, its sewer utility is exempt under Section 367.022(5), Florida Statutes (1987). It is further

ORDERED that should there be any change in circumstances or method of operation of the utility, the present owner of Coral Lagoon Resort or any succeeding owner shall inform us within thirty days so that a determination may be made whether exempt status is still appropriate. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission,
 this 12th day of January, 1989.

STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

KJM

by: Kary Hegan
 Chief, Bureau of Records

DOCUMENT NUMBER-DATE
 00391 JAN 12 1989

FPSC-RECORDS/REPORTING