

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by LITTLE TORCH)	DOCKET NO. 890368-SU
KEY TRAILER PARK for exemption from)	ORDER NO. 21077
FPSC jurisdiction for a sewer system)	ISSUED: 4-20-89
in Monroe County.)	

ORDER ACKNOWLEDGING EXEMPT STATUS
OF LITTLE TORCH KEY TRAILER PARK

By letter and affidavit received March 15, 1989, the owner of Little Torch Key Trailer Park has requested recognition of the exempt status of its proposed sewer utility.

The affidavit, letter, and accompanying Department of Environmental Regulation (DER) permit application show that: the Health Department found the existing septic system to be inadequate, resulting in the application to DER for the proposed sewer system that would replace the old system; the proposed system is designed to serve less than 100 persons, having a maximum capacity of 9,000 gallons per day; the proposed system will serve only the trailer park tenants; and the tenants will not be specifically charged for sewer services.

Pursuant to Section 367.031, Florida Statutes, before DER will issue a construction permit, it requires either a certificate authorizing service or proof that the utility is not subject to the regulation of this Commission.

As a matter of practice, upon request and sufficient proof, the Commission will issue an order indicating the exempt status of water or sewer facilities if they qualify for a statutory exemption. The owner requested an exemption under Section 367.022(6), Florida Statutes (1987), or alternatively under Section 367.022(5), Florida Statutes (1987).

Section 367.022(6), Florida Statutes (1987), provides that utility systems with the capacity to serve 100 or fewer persons are not subject to regulation by the Commission. Further, Rule 25-30.055(1), Florida Administrative Code, provides that a water or sewer system is exempt under the Statute if its capacity (excluding fire flow) is no greater than 10,000 gallons per day. Upon consideration of the foregoing, we find that the proposed sewer utility is exempt from our regulation under the terms of Section 367.022(6), Florida Statutes (1987). Consideration of alternative exemption provisions is unnecessary. However, should there be any change in circumstances or method of operation, the owner of the Little Torch Key Trailer Park, or his successor(s) in interest, must inform the Commission within thirty days of such change, so that we may determine whether such exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that on the facts as represented, the sewer utility for Little Torch Key Trailer Park is exempt from Commission regulation by reason of Section 367.022(6), Florida Statutes (1987). It is further

ORDERED that should there be any change in circumstances or

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method of operation of the Little Torch Key Trailer Park sewer utility, the present owner or any successor in interest shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission,
this 20th day of APRIL, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

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