

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by SEAHORSE MOTEL for) DOCKET NO. 891163-SU
exemption from FPSC regulation for a) ORDER NO. 22427
sewage treatment facility in Monroe) ISSUED: 1-18-90
County)
_____)

ORDER INDICATING THE EXEMPT
STATUS OF SEAHORSE MOTEL

BY THE COMMISSION:

The Seahorse Motel is an existing motel in Marathon, Florida. Currently, the wastewater needs of Seahorse Motel are being met by several on-site septic systems; however, the Monroe County Health Department has recently required the motel to update its wastewater disposal system. Accordingly, Seahorse Motel intends to construct a wastewater treatment plant, for which it needs a construction permit from the Department of Environmental Regulation (DER). 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 entity is exempt from this Commission's regulation.

By letter dated September 20, 1989, Seahorse Motel requested that it be found exempt from the regulation of this Commission pursuant to Section 367.022, Florida Statutes. Attached to its request were a copy of its DER permit application and an affidavit reciting the facts upon which its asserted status is based.

According to the information provided, it appears that wastewater service will be provided solely in connection with service to Seahorse Motel's guests. Further, there will be no charge for such service as, presumably, all costs for wastewater service will be factored into the room charges.

Based upon the facts as presented herein, we find that the Seahorse Motel will be exempt from the regulation of this Commission under Section 367.022(4), Florida Statutes, as a public lodging establishment providing wastewater service solely in connection with service to its guests. However, should there be any change in circumstances or method of operation, Seahorse Motel, or its successor(s) in interest, shall inform this Commission within thirty days of such change so that we may reevaluate its regulatory status.

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00548 JAN 18 1990
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It is, accordingly,

ORDERED by the Florida Public Service Commission that Seahorse Motel will be exempt from the regulation of this Commission under Section 367.022(4), Florida Statutes, as a public lodging establishment providing service solely in connection with service to its guests. It is further

ORDERED that, should there be any change in circumstances or method of operation, Seahorse Motel, or its successor(s) in interest, shall inform this Commission within thirty (30) days of such change so that we may reevaluate its regulatory status. It is further

ORDERED that Docket No. 891163-SU be and is hereby closed.

By ORDER of the Florida Public Service Commission
this 18th day of JANUARY, 1990.



STIEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

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.

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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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.