

ORIGINAL
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DATE: December 13, 1994

TO: DIVISION OF LEGAL SERVICES (T. VACCARO)
DIVISION OF RECORDS AND REPORTING

FROM: GERALD D. EDWARDS, DIVISION OF WATER AND WASTEWATER *DES*

RE: DOCKET NO. ~~941044~~; REQUEST FOR EXEMPTION FROM FLORIDA PUBLIC SERVICE COMMISSION REGULATION FOR PROVISION OF WASTEWATER SERVICE IN CHARLOTTE COUNTY BY HARBOUR INN WWTP.

On November 14, 1994, this Commission received an application from Harbour Inn WWTP (Harbour Inn or applicant) for a public lodging establishment exemption pursuant to Section 367.022(4), Florida Statutes. Harbour Inn is a motel/hotel (50 units) which is physically located at 5000 Tamiami Trail, Charlotte Harbor, Florida 33980. Mr. Henry C. Wagner is the vice president and primary contact person. Mr. Wagner's and the motel's/hotel's mailing address is the same as listed above. Mr. Wagner has, in writing, authorized Mr. Phillip R. Walker to represent Harbour Inn. The applicant will provide water and wastewater services only to the motel. Water service will be provided by Charlotte Harbor Water Assn. and wastewater service will be provided by Harbour Inn WWTP, a small wastewater treatment plant (approx. 9,000 GPD).

After reviewing this application, staff has determined that Harbour Inn meets the necessary qualifications for a public lodging exemption pursuant to Section 367.022(4), Florida Statutes and Rule 25-30.060(3)(d), Florida Administrative Code. The applicant stated in their public lodging application that services will be provided solely to its guests. In addition, Mr. Walker acknowledged Section 837.06, Florida Statutes, regarding false statements.

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In order for Mr. Walker to renew his wastewater system's permit, the Department of Environmental Protection must issue an operating permit for the wastewater system. However, the permit may not be issued until Mr. Walker obtains either a certificate or an exemption from the Florida Public Service Commission. Therefore, staff recommends that an administrative order be issued as soon as possible finding Harbour Inn WWTP exempt from the Commission's Regulation pursuant to Section 367.022(4), Florida Statutes. Staff further recommends that the order require Harbour Inn WWTP to notify this Commission in the event of any change of circumstances or method of operation of its water system. Furthermore, staff recommends that this docket be closed.

Please note that the applicant must obtain this exemption order before a DEP permit can be issued. Therefore, this order must be issued as soon as possible.

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