

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For Exemption) DOCKET NO. 940228-WU
From Florida Public Service) ORDER NO. PSC-94-0561-FOF-WU
Commission Regulation For) ISSUED: May 11, 1994
Provision of Water Service in)
Desoto County by Silver Palms)
Water Plant.)
_____)

ORDER INDICATING EXEMPT STATUS
OF SILVER PALMS WATER PLANT AND CLOSING DOCKET

BY THE COMMISSION:

On March 2, 1994, Silver Palms Water Plant (Silver Palms or Park) filed an application with this Commission for recognition of its nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. Silver Palms is a RV Park which has not yet been constructed. Upon receipt of an operating permit from the Department of Environmental Protection, the Park will be constructed at 6837 Northeast Highway 17, Arcadia, Florida. Mr. Hardy Huntley, Owner, filed the application on behalf of Silver Palms. The primary contact person is Mr. James Orth, 364 Catfish Creek Road, Lake Placid, Florida 33852.

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 367.021(12), Florida Statutes. Upon review of the application it was determined that Silver Palms does not qualify for exemption pursuant to that Section. Silver Palms does, however, qualify for exemption pursuant to Section 367.022(4), Florida Statutes, which states that public lodging establishments providing service solely in connection with service to their guests are exempt from Commission regulation.

On March 28, 1994, Silver Palms refiled its application in accordance with Section 367.022(4), Florida Statutes, and Rule 25-30.060(3)(d), Florida Administrative Code. According to the application, when Silver Palms' system is constructed, it will provide service only to its guests and the service territory will be limited to the RV Park. There will be no separate charge for

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utility service. Wastewater service will be provided by septic tank.

In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), 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, Mr. Huntley acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Silver Palms is exempt from our regulation pursuant to the provisions of Section 367.022(4), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Silver Palms or any successor in interest must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

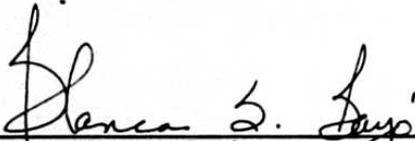
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Silver Palms Water Plant, 7801 Park Boulevard, Pinellas Park, Florida 33565, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(4), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Silver Palms Water Plant or any successors in interest shall inform this Commission within 30 days of such a change so that we may reevaluate the Park's exempt status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 11th day of May, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

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