

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from) DOCKET NO. 900792-SU
PSC for a sewage treatment and) ORDER NO. 23637
disposal system in Monroe County) ISSUED: 10-18-90
by Hall's/Carpediem, Joint Venture)
_____)

ORDER INDICATING THE EXEMPT STATUS OF
HALL'S/CARPEDIEM, JOINT VENTURE

BY THE COMMISSION:

Hall's/Carpediem, Joint Venture (Hall's/Carpediem) plans to construct a 30,000 gallon per day sewage treatment plant to serve its motel in Marathon, Florida. Pursuant to Section 367.031, Florida Statutes, a utility must obtain from the Commission a certificate of authorization to provide water or wastewater service or an order recognizing that the system is exempt from regulation as provided by Section 367.022. Therefore, by letter and affidavit received September 27, 1990, Hall's/Carpediem has requested recognition of its exempt status.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater facilities, if they qualify under the appropriate section of Chapter 367, Florida Statutes. Hall's/Carpediem requested recognition of its exempt status under Section 367.022(4), Florida Statutes.

The affidavit and letter state that Hall's/Carpediem is a public lodging establishment which will provide wastewater service solely in connection with service to its guests.

Section 367.022(4), Florida Statutes, states that public lodging establishments providing service solely in connection with service to their guests are exempt from Commission regulation. Based upon the facts as represented, we find that Hall's/Carpediem is exempt from our regulation under the terms of Section 367.022(4), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Hall's/Carpediem, or any successor(s) in interest, must inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

DOCUMENT NUMBER-DATE

09320 OCT 18 1990

PSC-RECORDS/REPORTING

ORDER NO. 23637
DOCKET NO. 900792-SU
PAGE 2

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Hall's/Carpediem, Joint Venture located at 1688 Overseas Highway, Marathon, Florida 33050, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(4), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of Hall's/Carpediem, Joint Venture wastewater facility, the present owner, or any successor(s) 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 18th
day of OCTOBER, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CB

by: Kay Ferguson
Chief, Bureau of Records

ORDER NO. 23637
DOCKET NO. 900792-SU
PAGE 3

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