

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from) DOCKET NO. 900777-SU
Florida Public Service Commission)
regulation for a sewage treatment and) ORDER NO. 23705
disposal system in Monroe County by)
SUNSET INN RESORT) ISSUED: 10-31-90
_____)

ORDER INDICATING THE EXEMPT STATUS OF
THE SUNSET INN RESORT

The Sunset Inn Resort is an existing resort motel and restaurant in Monroe County which includes 62 motel rooms. The owner intends to upgrade the wastewater treatment plant which serves the resort, and in order to obtain a permit to build from the Department of Environmental Regulation, he must first obtain from this Commission a certificate authorizing service or an order recognizing that the system is exempt from regulation, Section 367.031, Florida Statutes.

On September 14, 1990, the owner of the resort requested that it be found exempt from our regulation as a public lodging establishment. Section 367.022(4), Florida Statutes, exempts from Commission regulation "[p]ublic lodging establishments providing service solely in connection with service to their guests." The application for an exemption included an affidavit from the owner of the resort stating that the Sunset Inn Resort provides wastewater service solely in connection with service to its guests and that the service area of the utility is limited to the establishment's facilities located at 82200 Overseas Highway, Islamorada, Florida. The application also included information concerning the system's location, a site plan, and an engineering report.

Under the facts as presented, we find that the wastewater utility for the Sunset Inn Resort is exempt from Commission regulation pursuant to Section 367.022(4), Florida Statutes (1989). We further find that the Sunset Inn Resort, or its successor in interest, should notify this Commission of any change in circumstances or method of operation within thirty days of such change so that we may review the matter to determine whether exempt status is still appropriate. It is therefore

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. 23705
DOCKET NO. 900777-SU
PAGE 2

ORDERED by the Florida Public Service Commission that on the facts as presented, the Sunset Inn Resort is exempt from regulation by this Commission pursuant to Section 367.022(4), Florida Statutes (1989). It is further

ORDERED that should there be any change in circumstances or method of operation, the Sunset Inn Lodge or its successor in interest shall inform this Commission within thirty days of such change. It is further

ORDERED that this docket is closed.

By ORDERED by the Florida Public Service Commission this
31st day of OCTOBER, 1990.



STEVE TRIBBLE Director
Division of Records and Reporting

(S E A L)

MJL

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

ORDER NO. 23705
DOCKET NO. 900777-SU
PAGE 3

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.