

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from )	DOCKET NO. 910141-WS
Florida Public Service Commission )	
regulation of a water and sewer )	ORDER NO. 24347
system in Bay County by ARNONE'S )	
BEST WESTERN )	ISSUED: 4/11/91
_____ )	

ORDER INDICATING THE EXEMPT STATUS OF  
ARNONE'S BEST WESTERN

BY THE COMMISSION:

Arnone's Best Western (Arnone's or utility) proposes to provide water and wastewater service to guests of the hotel. The utility does not yet serve any guests. Pursuant to Section 367.031, Florida Statutes, before the Department of Environmental Regulation will issue a construction permit for new water or wastewater facilities, a utility must obtain a certificate of authorization to provide such services or an order recognizing that the utility is exempt from Florida Public Service Commission regulation.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities if they qualify under the appropriate section of Chapter 367, Florida Statutes. On February 6, 1991, Arnone's requested that it be found exempt from Florida Public Service Commission regulation under either Section 367.022(4) or Section 367.022(6), Florida Statutes. Section 367.022(4) exempts certain public lodging establishments from regulation. Section 367.022(6) exempts systems serving one hundred or fewer persons from regulation. Section 367.022(4), Florida Statutes is more appropriately applied since the utility will provide service to the hotel facilities only, therefore we will limit our consideration to the application for exemption as a public lodging establishment.

According to Section 367.022(4), Florida Statutes, "[p]ublic lodging establishments providing service solely in connection with service to their guests" are exempt from our regulation. The instant application for an exemption includes the affidavit of the developer of Arnone's which states that: the utility will provide service solely in connection with service to its guests; the utility will provide both water and wastewater service; the service area will be limited to the hotel facilities located at 6311 North Highway 77, Panama City, Florida.

DOCUMENT NUMBER-DATE

03470 APR 11 1991

PSC-RECORDS/REPORTING

ORDER NO. 24347  
DOCKET NO. 910141-WS  
PAGE 2

Under the facts as presented, we find that the water and wastewater utilities for Arnone's are exempt from Commission regulation pursuant to Section 367.022(4), Florida Statutes. We further find that Arnone's, 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.

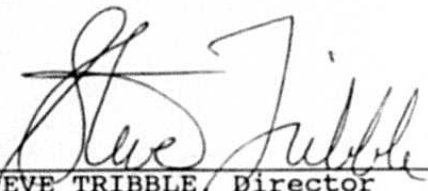
It is therefore

ORDERED by the Florida Public Service Commission that based on the facts as presented, Arnone's Best Western, located at 6311 North Highway 77, Panama City, Florida, is exempt from regulation by this Commission pursuant to Section 367.022(4), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, Arnone's Best Western, 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 ORDER of the Florida Public Service Commission, this 11th  
day of APRIL, 1991.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

MJL

ORDER NO. 24347  
DOCKET NO. 910141-WS  
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.