

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Kelly's Motel and)	DOCKET NO. 910691-SU
Trailer Park for exemption from Florida)	ORDER NO. 24963
Public Service Commission Regulation in)	ISSUED: 8/22/91
Monroe County.)	
)	

ORDER INDICATING THE EXEMPT STATUS OF
KELLY'S MOTEL AND TRAILER PARK

BY THE COMMISSION:

Kelly's Motel and Trailer Park (Kelly's) plans to install a wastewater treatment and disposal system to serve its motel and trailer park. Pursuant to Section 367.031, Florida Statutes, before the Department of Environmental Regulation (DER) will issue a permit, it requires a certificate authorizing service or proof that the utility is not subject to the regulation of this Commission. Therefore, by letter and affidavit received June 19, 1991, Glen Boe & Associates, Inc., Consulting Engineers, on behalf of Kelly's, 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. Kelly's requested recognition of its exempt status under Section 367.022(4), Florida Statutes.

The affidavit and letter state that Kelly's will provide wastewater service solely in connection with service to its guests; the system will be located on-site. Section 367.022(4), Florida Statutes, states that public lodging establishments providing service solely in connection with service to its guests are exempt from Commission regulation. Based upon the facts as represented, we find that Kelly's 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 Kelly's, or any successor in interest, must inform the Commission within 30 days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that Kelly's Motel and Trailer Park, 104220 Overseas Highway, Key Largo, Florida 33037, 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 Kelly's Motel and Trailer Park's wastewater

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facility, the owner of Kelly's, or any successor in interest, shall inform the Commission within 30 days of such change. It is further

ORDERED that Docket No. 910691-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 22nd day of AUGUST, 1991.



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