

MEMORANDUM

January 13, 1995

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3:30  
FPSC RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (NASH) *msn*

RE: DOCKET NO. 941044-WS - RESOLUTION OF BOARD OF COMMISSIONERS OF CHARLOTTE COUNTY DECLARING CHARLOTTE COUNTY SUBJECT TO PROVISIONS OF CHAPTER 367, FLORIDA STATUTES - REQUEST FOR EXEMPTION FOR PROVISION OF WATER AND WASTEWATER SERVICE BY SEA COVE MOTEL

0083-FOF

Attached is an Order Indicating Exempt Status of Sea Cove Motel to be issued in the above-referenced Docket. (Number of Pages in Order - 3)

msn

Attachment

cc: Division of Water and Wastewater (Tomlinson)

I:941044-A.MSN

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board ) DOCKET NO. 941044-WS  
of County Commissioners of ) ORDER NO. PSC-95-0083-POF-WS  
Charlotte County Declaring ) ISSUED: January 17, 1995  
Charlotte County Subject to the )  
Provisions of Chapter 367, )  
Florida Statutes - Request for )  
Exemption for Provision of Water )  
and Wastewater Service by Sea )  
Cove Motel )

ORDER INDICATING EXEMPT STATUS  
OF SEA COVE MOTEL

BY THE COMMISSION:

On November 14, 1994, Sea Cove Motel (Sea Cove or utility) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(4), Florida Statutes. Sea Cove is a motel located at 2500 E. Marion Avenue, Punta Gorda, Florida 33950. Dr. Antonio M. Leyesa, owner and primary contact person, filed the application on behalf of Sea Cove.

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 367.022(4), Florida Statutes, and Rule 25-30.060(3)(d), Florida Administrative Code.

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. The application indicates that Sea Cove provides service only to its guests and the service territory is limited to the motel. There is no separate charge for utility service.

In addition, pursuant to Section 337.06, 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, Dr. Leyesa acknowledged that he is aware of Section 337.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Sea Cove is exempt from our regulation pursuant to the provisions of Section 367.022(4), Florida Statutes. However, should there be any change

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Based upon the facts as represented, we find that Lazy Lagoon is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Lazy Lagoon 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, Lazy Lagoon Mobile Park, 8320 Riverside Drive, Punta Gorda, Florida 33982, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. It is further

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

ORDERED that this Docket shall remain open.

By ORDER of the Florida Public Service Commission, this 17th day of January, 1995.

BLANCA S. BAYO, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

MSN

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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 and/or wastewater 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.