

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by SPRINGLAKE GOLF AND)	DOCKET NO. 890047-SU
COUNTRY CLUB, INC. for exemption from)	
FPSC regulation for a sewer system in)	ORDER NO. 20941
Highlands County)	
_____)	ISSUED: 3-27-89

ORDER INDICATING THE NON-JURISDICTIONAL
STATUS OF SPRINGLAKE GOLF AND COUNTRY CLUB, INC.

BY THE COMMISSION:

Springlake Golf and Country Club, Inc. (Springlake) is a golf and country club in Highlands County, Florida. Eventually, Springlake hopes to provide wastewater service to the surrounding community, however, at present, Springlake intends to build a wastewater treatment facility to serve only the needs of its clubhouse, for which it needs a construction permit from the Department of Environmental Regulation (DER). Before DER will issue a construction permit, it requires either a certificate authorizing service or proof of a utility's exemption from this Commission's regulation.

Pursuant to Section 367.021(3), Florida Statutes, a utility is defined as any "person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or sewer service to the public for compensation." (Emphasis added.)

By letter dated January 5, 1989, Springlake requested that it be found exempt from our regulation. Attached to its request was an affidavit reciting the facts upon which its asserted status is based. According to Springlake's affidavit, its DER permit application is for a plant to serve the clubhouse only. Springlake informs us that, at present, no charges will be assessed for wastewater service and that all such costs will be treated as operational expenses of the clubhouse. As mentioned above, Springlake eventually plans to expand its facilities in order to serve the surrounding community. At such time, it intends to seek status as a fully regulated utility and charge for wastewater service.

Based upon the facts as presented herein, we find that, at this time, Springlake will not be a utility subject to this Commission's jurisdiction since it will not provide service for compensation. However, once Springlake expands its facilities and proposes to provide service for compensation, or if there are any other changes in circumstances or method of operation, Springlake, or its successor(s) in interest, shall inform this Commission within thirty days of such change, so that we may reevaluate its jurisdictional status.

It is, accordingly,

ORDERED by the Florida Public Service Commission that, under the facts as presented herein, Springlake Golf and Country Club, Inc. will not be a utility subject to this Commission's jurisdiction as defined in Section 367.021(3), Florida Statutes. It is further

ORDERED that, once Springlake Golf and Country Club, Inc.

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expands its facilities and proposes to provide service for compensation, or if there are any other changes in circumstances or method of operation, Springlake Golf and Country Club, Inc., or its successor(s) in interest, shall inform this Commission within thirty (30) days of such change, so that we may reevaluate its jurisdictional status. It is further

ORDERED that Docket No. 890047-SU be and is hereby closed.

By ORDER of the Florida Public Service Commission,
this 27th day of MARCH, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

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.