

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Sigma Development) DOCKET NO. 891364-SU
Corporation for exemption from Florida) ORDER NO. 22478
Public Service Commission regulation) ISSUED: 1-30-90
in Hernando County, Florida.)
_____)

ORDER INDICATING THE EXEMPT STATUS OF
SIGMA DEVELOPMENT CORPORATION

BY THE COMMISSION:

Sigma Development Corporation proposes to construct a shopping center (Shoppes of Brooksville) in Brooksville, Hernando County, Florida. Until such time as the City of Brooksville has the capacity to serve the shopping center, Sigma plans to construct and operate an interim on-site wastewater treatment plant to provide sewer service to the tenants of the Shoppes of Brooksville.

Pursuant to Section 367.031, Florida Statutes, before the Department of Environmental Regulation (DER) will issue a construction permit, it requires either a certificate authorizing service or proof that the utility is not subject to the regulation of this Commission. Therefore, by letter and affidavit received December 15, 1989, Sigma Development has requested recognition of its exempt status under Section 367.022(5), Florida Statutes. The letter and affidavit show that Sigma Development will provide sewer service solely to its tenants; that it will not collect any specific charge for sewer service from its tenants, as those charges will be nonspecifically included in the tenants' leases; and the sewer facility will be located on-site.

Section 367.022(5), Florida Statutes, states that landlords providing service to their tenants are exempt from Commission regulation. Based upon the facts as represented, we find that Sigma Development Corporation/Shoppes of Brooksville is exempt from our regulation under the terms of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Sigma Development/Shoppes of Brooksville or any successor in interest, must inform the Commission within thirty days of such change, so that we may determine whether exempt status is still appropriate.

It is, therefore,

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FPSC-RECORDS/REPORTING

ORDER NO. 22478
DOCKET NO. 891364-SU
Page 2

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Sigma Development Corporation, 3111 University Drive, Suite 514, Coral Springs, Florida 33065, is hereby exempt from Commission regulation pursuant to the terms of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of Sigma Development Corporation's sewer facility, the owner of Sigma Development Corporation/Shoppes of Brooksville, or any successor in interest, shall inform the Commission within thirty days of such change. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission,
this 30th day of JANUARY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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.

ORDER NO. 22478
DOCKET NO. 891364-SU
Page 3

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.