

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from ) DOCKET NO. 900608-SU  
Florida Public Service Commission ) ORDER NO. 23770  
regulation for a wastewater system in ) ISSUED: 11-16-90  
Monroe County by SEA HORSE CAMPGROUND )  
\_\_\_\_\_)

ORDER INDICATING THE EXEMPT STATUS OF  
SEA HORSE CAMPGROUND

BY THE COMMISSION:

Lively Enterprises, Inc., a Florida Corporation formed under Chapter 607, Florida Statutes, doing business as Sea Horse Campground, is building a wastewater system to provide service to an recreational vehicle park on Big Pine Key designed for 125 recreational vehicles and 5 mobile homes. Pursuant to Section 367.031, Florida Statutes, before the Department of Environmental Regulation (DER) will issue a construction permit, it requires either a certificate of authorization to provide service or an order recognizing that the system is exempt from regulation of this Commission. Therefore, by letter, affidavit, and rental agreement received on June 28, 1990, Sea Horse Campground has 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. Sea Horse Campground requested recognition of its exempt status under Section 367.022(5), Florida Statutes.

The affidavit, letter, and rental agreement show that: The Sea Horse Campground on Big Pine Key provides wastewater service solely to its tenants; does not collect any specific charge for wastewater service from its tenants as those charges are nonspecifically included in the tenants' monthly rents; and the wastewater facility is located on-site.

Section 367.022(5), Florida Statutes, states that landlords providing service to their tenants without specific compensation for the service are exempt from Commission regulation. Based upon the facts as represented, we find that the Sea Horse Campground 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 Sea Horse

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Campground or any successor(s) 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,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Lively Enterprises, Inc., d/b/a Sea Horse Campground, County Road, Big Pine Key, Florida 33043, 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 the Sea Horse Campground wastewater facility, the owner, 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 16th  
day of NOVEMBER, 1990.



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STEVE TRIBBEE, 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.