

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from ) DOCKET NO. 900346-SU  
Florida Public Service Commission ) ORDER NO. 23287  
regulation for a sewage treatment and ) ISSUED: 8-2-90  
disposal system in Monroe County by )  
TWIN HARBORS RESORT )  
\_\_\_\_\_)

ORDER INDICATING EXEMPT STATUS  
OF TWIN HARBORS RESORT

BY THE COMMISSION:

The engineer for Twin Harbors Resort (Twin Harbors) has requested recognition of the exempt status of the wastewater utility for the proposed resort. Twin Harbors is a planned resort facility in Monroe County. The resort will include a hotel, restaurant, and lounge. In order to begin construction of its wastewater treatment and disposal system, the resort must obtain a permit from the Department of Environmental Regulation (DER). Pursuant to Section 367.031, Florida Statutes, before DER will authorize a construction permit, it requires either a certificate authorizing service or an order recognizing that the system is exempt from regulation by this Commission.

On April 30, 1990, the engineer for the resort filed a request for an order recognizing the exempt status of the wastewater treatment and disposal system at the resort pursuant to Section 367.022(4), the public lodging exemption. This request was accompanied by an affidavit from the secretary/treasurer of the corporate owner of the resort. The affidavit states that the resort's wastewater system will provide service solely in connection with service to its guests.

Section 367.022(4), Florida Statutes, provides an exemption from Commission regulation for public lodging facilities that provide service solely in connection with service to their guests. Under the facts as presented, we find that the proposed wastewater utility for Twin Harbors Resort is exempt under Section 367.022(4), Florida Statutes.

It is, therefore,

ORDERED by the Florida Public Service Commission that on the facts as represented, the proposed Twin Harbors Resort wastewater utility is exempt from regulation by this Commission pursuant to Section 367.022(4), Florida Statutes. It is further

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ORDERED that should there be any change in circumstances or method of operation, the owner of Twin Harbors Resort utility or its successor(s) in interest shall inform the Commission within thirty (30) days of such change so that a determination can be made whether exempt status is still appropriate. It is further

ORDERED that Docket No. 900346-SU be and is hereby closed.

By ORDER of the Florida Public Service Commission  
this 2nd day of AUGUST, 1990.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ASD

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

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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.