

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from )	DOCKET NO. 900929-SU
Florida Public Service Commission )	
regulation for a wastewater system )	ORDER NO. 24100
in Flagler County by MARINA DEL RIO )	
CONDOMINIUM ASSOCIATION )	ISSUED: 2-13-91
_____ )	

ORDER INDICATING THE EXEMPT STATUS OF  
MARINA DEL RIO CONDOMINIUM ASSOCIATION

BY THE COMMISSION:

The Marina Del Rio Condominium Association, ("condominium association") proposes to provide wastewater service to the members of the condominium association. The condominium association does not yet serve any customers, however, it has the capacity to serve 25 units.

On November 9, 1990, the condominium association requested that it be found exempt from our regulation under Section 367.022(6), Florida Statutes. The application for an exemption includes the affidavit of the president of the condominium association stating that: the condominium association will provide wastewater service only; the wastewater system has a proposed capacity to serve 100 or fewer persons; and the service area will be limited to the condominium development which is located on highway A1A between Flagler Beach and Marineland in the Hammock area of Flagler County. In addition, according to a Department of Environmental Regulation permit engineer, the system has a maximum flow capacity of 8,500 gallons per day.

According to Section 367.022(6), Florida Statutes, "[s]ystems with the capacity or proposed capacity to serve 100 or fewer persons" are exempt from Commission regulation. In addition, Rule 25-30.055(1), Florida Administrative Code, provides that:

A water or sewer system is exempt under section 367.022(6), Florida Statutes, if its current or proposed water or sewage treatment facilities and distribution or collection system have and will have a capacity, excluding fire flow capacity, of no greater than 10,000 gallons per day or if the entire system is designed to serve no greater than 40 equivalent residential connections (ERCs). For purposes of this rule only, an ERC equals 250 gallons per day.

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Based on the facts as presented, we find that the condominium association is exempt from Commission regulation pursuant to Section 367.022(6), Florida Statutes. We further find that the condominium association, or its successor in interest, should inform this Commission of any change in circumstances or method of operation within thirty days of such change so that we may review the matter to determine whether exempt status is still appropriate.

It is therefore

ORDERED by the Florida Public Service Commission that the wastewater facility operated by the Marina Del Rio Condominium Association in Flagler County, Florida, is exempt from Commission regulation pursuant to Section 367.022(6), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the Marina Del Rio Condominium Association, or its successor in interest, shall inform this Commission within thirty days of such change. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 13th  
day of FEBRUARY, 1991.

  
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.

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.

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