

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by KEY LARGO MARINA for) DOCKET NO. 890873-SU
exemption from FPSC regulation for a) ORDER NO. 21969
sewage treatment plant in Monroe County.) ISSUED: 9-28-89
_____)

ORDER INDICATING EXEMPT STATUS OF
KEY LARGO MARINA

BY THE COMMISSION:

Barefoot Cay Corporation (Barefoot Cay) is the owner of Key Largo Marina (Key Largo), an existing ninety-slip marina in Monroe County. Key Largo is adding sewage treatment facilities to the slips, and the sewage plant will have extra capacity to accommodate future improvements such as a swimming pool, dive shop, and food service.

A letter was received by the Commission on July 10, 1989, from Glen Boe, P. E., containing an affidavit dated July 6, 1989, signed by Ira Sochet, president, Barefoot Cay Corporation. In that letter application was made to this Commission for exemption from regulation by the Commission of Key Largo's sewage treatment plant.

In Barefoot Cay's affidavit, Mr. Sochet stated that "No specific charge will be levied to the lessee of any boat slip or other improvement for sewage service." He also stated that exemption was claimed on the basis of a landlord providing service solely to his tenants without specific compensation for the service.

Section 367.022(5), Florida Statutes, provides that "Landlords providing service to their tenants without specific compensation for the service" are not subject to our regulation. On the facts as represented, we find the subject entity to be exempt under Section 367.022(5), Florida Statutes.

It is, therefore

ORDERED by the Florida Public Service Commission that, based on the facts as represented, the sewage treatment facilities in Monroe County owned by Key Largo Marina, which is owned and operated by Barefoot Cay Corporation, c/o Ira Sochet, Bakery Centre, 5701 Sunset Drive, Suite 315, South Miami, Florida 33143, are hereby exempt from Commission

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

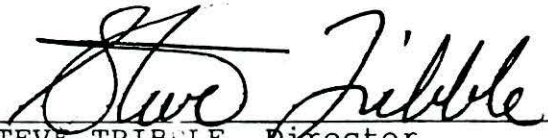
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regulation under Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation of the subject sewage treatment facility, Key Largo Marina or its successor(s) in interest, shall inform this Commission within thirty (30) days of such change so that we may determine whether our decision herein is still appropriate. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission
this 28th day of SEPTEMBER, 1989.


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

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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.