

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Request for exemption ) DOCKET NO. 920146-WS  
from Florida Public Service ) ORDER NO. PSC-92-0239-FOF-WS  
Commission regulation for ) ISSUED: 04/23/92  
provision of water and )  
wastewater services in )  
Escambia County by BLUFF )  
SPRINGS CAMPGROUNDS )  
\_\_\_\_\_ )

ORDER INDICATING THE EXEMPT STATUS OF

BLUFF SPRINGS CAMPGROUND, INC.

BY THE COMMISSION:

Bluff Springs Campground, Inc., (Bluff Springs or campground), is a church campground which is affiliated with the Reorganized Church of Latter Day Saints. The campground has its own water and wastewater system which provides service to its guests. The entire campground consists of ten cabins which may house up to ten persons each, and it is located in Escambia County.

On February 12, 1992, Bluff Springs filed an application for an exemption from Public Service Commission regulation pursuant to Section 367.022(7), Florida Statutes, which provides for exemption from Commission regulation of "[n]on-profit corporations, associations, or cooperatives providing service solely to members who own and control such corporations, associations, and cooperatives." Upon review of the application, we determined that Bluff Springs did not meet the statutory requirements of Section 367.022(7), Florida Statutes, because Bluff Springs' Articles of Incorporation and Bylaws permit the Campground to provide water and wastewater service to non-members. We informed Mr. Melvin Johnson, the contact person for Bluff Springs, that non-profit corporations could be held exempt from regulation only if the water and/or wastewater service was limited to members who own and control the corporation.

We also informed Mr. Johnson that there is another exemption that pertains exactly to Bluff Springs' particular circumstances, Section 367.022(4), Florida Statutes, the public lodging establishment exemption. Under that subsection, public lodging establishments which provide water and/or wastewater service solely

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in connection with providing service to their guests are exempt from our regulation.

Bluff Springs subsequently filed an application on March 13, 1992, which requested an exemption pursuant to Section 367.022(4), Florida Statutes. The application included a statement from Mr. Melvin Johnson that service is provided solely in connection with service to the campground's guests, that Bluff Springs provides both water and wastewater service, and that the service area is limited to the boundaries of the campground. Also, the fee for water and wastewater services is included in the daily, weekly, or seasonal rate paid by the guests, and, therefore, there is no separate charge for said services. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding the penalty for making false statements in its application.

Based upon the information as represented herein, we find that the Bluff Springs Campground is exempt from the regulation of this Commission under Section 367.022(4), Florida Statutes, as a public lodging establishment providing water and wastewater service solely in connection with service to its guests. However, should there be any change in circumstances or method of operation, Bluff Springs Campground, Inc., or its successor(s) in interest, shall inform this Commission within thirty days of such change so that we may reevaluate its regulatory status.

It is, therefore,

ORDERED by the Florida Public Service Commission that Bluff Springs Campground, Inc., located at 1300 Liahona Trail, McDavid, Florida 32568, with Mr. Melvin Johnson as contact person, is exempt from the regulation of this Commission under Section 367.022(4), Florida Statutes, as a public lodging establishment providing service solely in connection with service to its guests. It is further

ORDERED that, should there be any change in circumstances or method of operation, Bluff Springs Campground, Inc., shall inform this Commission within thirty days of such change so that we may reevaluate its regulatory status. It is further

ORDERED that Docket No. 920146-WS is hereby closed.

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By ORDER of the Florida Public Service Commission this 23rd  
day of April, 1992.



STEVE TRIBBLE, 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.