

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Exemption) DOCKET NO. 921001-SU
from Florida Public Service) ORDER NO. PSC-92-1365-FOF-SU
Commission Regulation for) ISSUED: 11/24/92
Provision of Wastewater)
Service in St. Lucie County)
by Road Runner Travel Trailer))
Park.)
_____)

ORDER INDICATING EXEMPT STATUS OF
ROAD RUNNER TRAVEL TRAILER PARK AND CLOSING DOCKET

BY THE COMMISSION:

On October 5, 1992, Road Runner Travel Trailer Park (Road Runner) filed an application for exemption from Commission regulation, pursuant to Section 367.022(12), Florida Statutes. Mr. James Minix, Owner, filed the application on behalf of Road Runner. During discussions with Mr. Minix, we determined that Road Runner qualifies for exemption as a public lodging establishment, pursuant to the provisions of Section 367.022(4), Florida Statutes.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if they qualify under the appropriate provision of Chapter 367, Florida Statutes. As stated above, Road Runner requested exemption from Commission regulation pursuant to Section 367.021(12), Florida Statutes; however, it qualifies for exemption pursuant to the provisions of Section 367.022(4), Florida Statutes.

According to Section 367.022(4), Florida Statutes, public lodging establishments providing service solely in connection with service to its guests are exempt from Commission regulation. As stated in the application, Road Runner, which is located at 5500 St. Lucie Boulevard in Ft. Pierce, Florida, furnishes wastewater service solely to its guests. Water service is provided by Ft. Pierce Utility.

In addition, the application form states that pursuant to Section 837.06, Florida Statutes, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Minix acknowledged

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that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based upon the facts as represented, we find that Road Runner is exempt from Commission regulation, pursuant to Section 367.022 (4), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Road Runner, or any successor in interest, must inform the Commission within 30 days of the change, so we may determine if exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based on the facts as represented, Road Runner Travel Trailer Park, 5500 St. Lucie Boulevard, Ft. Pierce, Florida 34946, is hereby exempt from Commission regulation, pursuant to Section 367.022(4), Florida Administrative Code. It is further

ORDERED that should there be any change in circumstances or method of operation of the wastewater facilities, the owner of Road Runner Travel Trailer Park or any successor in interest shall inform the Commission within 30 days of the change so that the Park's exempt status may be re-evaluated. It is further

ORDERED that Docket No. 921001-SU is hereby closed.

By ORDER of the Florida Public Service Commission this 24th day of November, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay D. Lynn
Chief, Bureau of Records

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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.