



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: October 18, 1995
 TO: Alice Crosby, Division of Legal Services
 Division of Records and Reporting
 FROM: Patricia Brady, Division of Water and Wastewater *pb bsm gnm*
 RE: Docket No. 950848-WU, Request for exemption from Florida Public Service Commission regulation for provision of water service in Columbia County by B & B Food Store #6.

On July 19, 1995, a petition for non-jurisdictional exemption from regulation by the Florida Public Service Commission was filed on behalf of B & B Food Store #6 (B & B Food Store) pursuant to Section 367.021(12), Florida Statutes. B & B Food Store is owned by Behrenwald Enterprises, Inc. The application was signed by Mr. Steven Behrenwald as President of Behrenwald Enterprises, Inc. and primary contact. The mailing address for B & B Food Store and Mr. Behrenwald is P.O. Box 3655, Lake City, Florida 32056 (904/752-3757). The physical address and service territory for B & B Food Store is Highway 247 & County Road 242, Lake City, Florida 32055. This location is in Columbia County.

In accordance with Section 367.021(12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code, Mr. Behrenwald has signed a statement that B & B Food Store will provide water service without compensation and that all costs will be treated and recovered as operational expenses. Wastewater is intended to be handled by septic drainfield. By signing the application Mr. Behrenwald has acknowledged that he is aware of the penalty pursuant to Section 837.06, Florida Statutes, for knowingly making false statements in writing with the intent to mislead.

Section 2.08(C)(14) of the Administrative Procedures Manual grants staff the administrative authority to approve requests for determination of exempt status that are clear-cut and without controversy. Staff finds the application in compliance with statutory requirements and without apparent controversy. Staff therefore recommends that an administrative order be issued finding B & B Food Store #6 exempt from Commission regulation pursuant to Section 367.021(12), Florida Statutes.

Staff also recommends that the order require the current owner, or successors, of B & B Food Store to notify the Commission within 30 days of any change in circumstances or method of operation of its water or wastewater systems so that the exempt status may be reevaluated. Furthermore, staff recommends that this docket be closed.

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