

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board ) DOCKET NO. 951235-WS  
of County Commissioners of ) ORDER NO. PSC-95-1393-FOF-WS  
Manatee County Declaring Manatee ) ISSUED: November 9, 1995  
County Subject to the Provisions )  
of Chapter 367, F.S. )  
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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER ACKNOWLEDGING RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS DECLARING MANATEE COUNTY SUBJECT TO THE  
PROVISIONS OF CHAPTER 367, FLORIDA STATUTES

BY THE COMMISSION:

On October 10, 1995, the Manatee County Board of County Commissioners adopted Resolution No. R-95-109. This resolution, received by the Commission on October 17, 1995, declares the water and wastewater utilities in that county subject to the provisions of Chapter 367, Florida Statutes. Section 367.171 (1), Florida Statutes, provides that Chapter 367, Florida Statutes, "shall become effective in a county of this state upon the adoption of a resolution by the board of county commissioners ... declaring that such county is subject to [its] provisions." The effect of the resolution is to invoke Commission jurisdiction over all investor-owned water and wastewater systems in Manatee County as of October 10, 1995. We, therefore, find that the provisions of Chapter 367, Florida Statutes, became applicable in Manatee County, effective October 10, 1995. Accordingly, we acknowledge Manatee County's resolution and direct that all investor-owned water and wastewater utilities in Manatee County comply with the provisions of Chapter 367, Florida Statutes.

Pursuant to Section 367.171(2)(a), Florida Statutes, each utility is to register with this Commission within thirty (30) days of the date this Commission received jurisdiction, or by November 9, 1995. Pursuant to Section 367.031, Florida Statutes, all utilities must obtain either a certificate of authorization under Section 367.171 (2), Florida Statutes, or an exemption from Commission regulation under Section 367.022, Florida Statutes. Each utility desiring to obtain a grandfather certificate for the

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area served by such utility as of October 10, 1995, shall make application to this Commission pursuant to Section 367.171(2)(b), Florida Statutes, within ninety (90) days of the date this Commission received jurisdiction, or by January 8, 1996.

Each utility shall continue to collect the rates and charges for water and wastewater service that were being collected on October 10, 1995. Such rates and charges shall remain in effect until changed by this Commission.

We find it appropriate to schedule meetings with these utilities to distribute relevant materials and explain Commission regulatory practice and procedures. All exemption applications will be processed in this docket. Therefore, this docket shall remain open for that purpose. Applications for grandfather certificate will be processed in individual dockets.

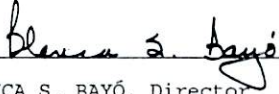
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the resolution of the Board of County Commissioners of Manatee County subjecting all investor-owned water and wastewater utilities in Manatee County to the provisions of Chapter 367, Florida Statutes is hereby acknowledged. It is further

ORDERED that all water and wastewater utilities in Manatee County are hereby directed to comply with Commission procedures as set forth in the body of this Order and Chapter 367, Florida Statutes. It is further

ORDERED that this docket remain open until all utilities have complied with the provisions of this Order.

By ORDER of the Florida Public Service Commission, this 9th day of November, 1995.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CJP

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.