

MEMORANDUM

December 20, 1995

TO : ALICE CROSBY, DIVISION OF LEGAL SERVICES
DIVISION OF RECORDS AND REPORTING

FROM: RICHARD REDEMANN, DIVISION OF WATER AND WASTEWATER

RE : DOCKET NO. 951235-WS; RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF MANATEE COUNTY SUBJECT TO THE PROVISION
OF CHAPTER 367, F.S. - EXEMPTION REQUEST FOR WATER
SERVICE BY FALKNER FARMS.

PPR *BSM*

On October 10, 1995, the Manatee County Board of County Commissioners adopted Resolution No. R-95-109, pursuant to Section 367.171, Florida Statutes, declaring the privately owned water and wastewater utilities in Manatee County subject to the provisions of Chapter 367, Florida Statutes, effective October 10, 1995. The Florida Public Service Commission received Manatee County's resolution on October 17, 1995. The effect of the resolution is to invoke Public Service Commission jurisdiction over privately owned water and wastewater systems in Manatee County. Pursuant to Section 367.031, Florida Statutes, all utilities subject to the Commission's jurisdiction must obtain either a certificate to provide water and wastewater service or an order recognizing the exempt status of the system.

On December 4, 1995, Falkner Farms (Falkner) applied for an exemption for a water facility from the Florida Public Service Commission under Section 367.021 (12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code a non-jurisdictional entity. The location of the water system is at 35100 State Road 64 East; Myakka, FL 34251. The mailing address is the same. Ms. Linda or Mr. John Falkner are the contact people. Falkner provides water service to a farm. Wastewater service is provided by a septic tanks.

In its application, Falkner states it provides water service only, there is no charge for providing utility service, all costs of providing service are treated or recovered as operational expenses and the service area was specified above. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

Based upon the facts presented herein, staff believes Falkner is exempt for water service as defined by Section 367.021(12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code. Section 2.08(C)(14) of the Administrative Procedures Manual (APM) gives staff the administrative authority to approve requests

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for determination of exempt status that are clear-cut and without controversy. Staff recommends that an administrative order be issued within 30 days indicating the exempt status of Falkner and closing the docket. The order should provide that in the event of any change of circumstances or method of operation, Falkner, or its successor(s) in interest should notify the Commission within thirty days of such change so that its exempt status may be reevaluated.

If any further information is needed, please contact me as soon as possible.

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