



Public Service Commission

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

DATE: February 20, 1996
TO: Division of Records and Reporting
 Division of Legal Services, Alice Crosby
FROM: Division of Water & Wastewater, J. Travis Coker *JTC fcm con*
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 and wastewater service by Nu-Gulf Industries, Inc.

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 12, 1995, Mr. Ivan Nance, Corporate Environmental Engineer of Nu-Gulf Industries, Inc. (Nu-Gulf), filed an application on behalf of Nu Gulf for an exemption as a water and wastewater service provider from the Florida Public Service Commission under Section 367.022 (3), Florida Statutes, and Rule 25-30.060(3)(c), Florida Administrative Code as a manufacturing entity. The location of the water and wastewater system is one mile East of Highway 64 in Manatee County, Florida. The system provide water and wastewater service for Nu-Gulf only. The mailing address is Route 1, Box 570, Myakka City, Florida, 34251. Included with application, the President of Nu-Gulf, Mr. Philip L. Rinaldi, authorized Mr. Nance to act as an representative of the corporation. Mr. R. H. Swanson will remain as the contact person for Commission purposes. Nu-Gulf is a phosphate mining operation. Water service is provided by a well. Wastewater service is provided by a wastewater treatment plant.

In its application, Nu-Gulf states it provides water and wastewater service solely in connection with its manufacturing operations. The applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

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FPSC-RECORDS/REPORTING

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Based upon the facts presented herein, staff believes Nu-Gulf is exempt from Commission regulation as a water service provider as defined by Section 367.022(3), Florida Statutes, and Rule 25-30.060(3)(c), Florida Administrative Code. Section 2.08(C)(14) of the Administrative Procedures Manual (APM) gives staff the administrative authority to approve requests for exempt status when the application is clear-cut and without controversy.

Staff recommends that an administrative order be issued within 30 days indicating the exempt status of Nu-Gulf. The order should provide that in the event of any change of circumstances or method of operation, Nu-Gulf or its successor(s) in interest should notify the Commission within thirty days of such change so that its exempt status may be reevaluated.

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