



Bublic Service Commission

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

March 25, 1996 DATE:

regarding false statements.

TO: Division of Records and Reporting

Division of Legal Services. Alice Crosby

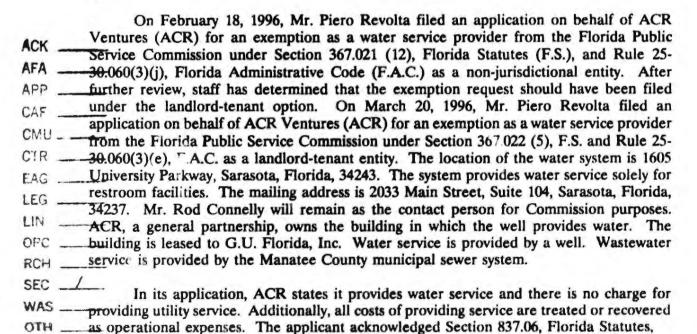
FROM: Division of Water & Wastewater, J. Travis Coker & Coker & W

DOCKET NO. 951235-WS: Resolution of the Board of County Commissioners of RE:

Manatee County subject to the provision of Chapter 367, F.S. - exemption request

for water service by ACR Ventures.

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.



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Based upon the facts presented herein, staff believes ACR is exempt from Commission regulation as a water service provider as defined by Section 367.022(5), Florida Statutes, and Rule 25-30.060(3)(e), 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 ACR. The order should provide that in the event of any change of circumstances or method of operation, ACR, 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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