



Public Service Commission

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

DATE: May 7, 1996

TO: Alice Crosby, Division of Legal Services
Division of Records and Reporting

FROM: Pat Brady, Division of Water and Wastewater *pb BS JRM*

RE: Docket No. 951235-WS: Resolution of Board of County Commissioners of Manatee County Declaring Manatee County Subject to the Provisions of Chapter 367, Florida Statutes - Request for exemption for provision of water service by AQUATEL RESORT.

On October 10, 1995, the Board of County Commissioners of Manatee County adopted Resolution No. R-95-109, pursuant to Section 367.171, Florida Statutes, declaring that as of October 10, 1995, the water and wastewater utilities in that County shall become subject to the provisions of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. The resolution was acknowledged by this Commission on November 9, 1995, by Order No. PSC-95-1393-FOF-WS. Pursuant to Section 367.031, Florida Statutes, a utility subject to the jurisdiction of this Commission must obtain a certificate of authorization or an order recognizing the exempt status of the system.

December 4, 1995, a petition for public lodging establishment exemption from regulation by the Florida Public Service Commission was filed on behalf of Aquatel Resort (Aquatel) pursuant to Section 367.022(4), Florida Statutes. The application was signed by Ms. Sylvia C. Coleman. The application lists Sylvia and Michael Coleman as the sole proprietor owners of Aquatel and the primary contacts for the application. The physical location and mailing address for Aquatel and Sylvia and Michael Coleman is 1220 Mill Creek Road, Bradenton, Florida 34202 (813/746-6884). This location is in Manatee County.

Aquatel is a 9-unit motel. In accordance with Section 367.022(4), Florida Statutes, and Rule 25-30.060(3)(d), Florida Administrative Code, Ms. Coleman filed a statement that Aquatel will provide water service solely in connection with service to its guests. Wastewater service is provided by septic tank. By signing the application Ms. Coleman has acknowledged she 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 authority to administratively 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 Aquatel Resort exempt from Commission regulation pursuant to Section 367.022(4), Florida Statutes. Staff recommends that the order require the owners, or successors, of Aquatel to notify the Commission within 30 days of any change in circumstances or method of operation of its water and wastewater system so that the continued exempt status may be reevaluated. The docket should remain open.

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