



# Public Service Commission

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

**DATE:** May 13, 1996  
**TO:** Alice Crosby, Division of Legal Services  
 Division of Records and Reporting  
**FROM:** Patricia Brady, Division of Water and Wastewater *P. Brady*  
**RE:** Docket No. ~~951000-000~~ Resolution of Board of County Commissioners of Manatee County Declaring Manatee County Subject to the Provisions of Chapter 367, Florida Statutes - Request for non-jurisdictional finding for provision of water service by MIAMI VALLEY CONCRETE.

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.

On December 4, 1995, an application for a non-jurisdictional finding was filed on behalf of Miami Valley Concrete pursuant to Section 367.021(12), Florida Statutes. Miami Valley Concrete is a registered fictitious name for Miami Valley Ready Mix of Florida, Inc. The application was signed by Mr. James C. Brown as the President/Owner of the corporation. The primary contact for the application is Mr. James Twiggs. The mailing address for the system is P.O. Box 241, Ellenton, Florida 34222. The physical address of the system and mailing address for Mr. Twiggs is 3111 17th Street, East, Ellenton, Florida 34222 (941/723-1888). According to the application, this location is in Manatee County.

In accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(1), (2) and (3)(j), Florida Administrative Code, Mr. Brown signed a statement that there is no charge for providing water service and that all costs are recovered as operational expenses. Wastewater service is handled by septic system. Mr. Brown has acknowledged that he 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 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 Miami Valley Concrete non-jurisdictional pursuant to Section 367.021(12), Florida Statutes.

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Staff further recommends that the order require the current owner, or successor-owners, of Miami Valley Concrete to notify the Commission within 30 days of any change in circumstances or method of operation of its water or wastewater systems so that its non-jurisdictional status may be reevaluated. This docket should remain open to process additional applications for Manatee County.

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1/16/96 CORPORATE DETAIL RECORD SCREEN 4:10 P  
 NUM: F74675 ST:FL ACTIVE/FL PROFIT FLD: 04/01/1982  
 FEI#: 59-2246231  
 NAME : MIAMI VALLEY READY MIX OF FLORIDA, INC.  
 PRINCIPAL: WOODFIELD ROAD CHANGED: 03/07/85  
 ADDRESS PO BOX 627  
 PLACIDA, FL 33946  
 RA NAME : BROWN, JAMES C.  
 RA ADDR : 111 SE COLONIAL STREET ADDR CHG: 03/07/85  
 PORT CHARLOTTE, FL 33952 US  
 ANN REP : (1993) BY 03/02/93 (1994) B 05/01/94 (1995) I 03/31/95

1/16/96 OFFICER/DIRECTOR DETAIL SCREEN 4:11 P  
 CORP NUMBER: F74675 CORP NAME: MIAMI VALLEY READY MIX OF FLORIDA, INC  
 TITLE: PD NAME: BROWN, JAMES C  
 111 COLONIAL STREET  
 PORT CHARLOTTE, FL  
 TITLE: VDT NAME: BROWN, WILLIAM P  
 PR2 SPARKS RD. BOX 641  
 WEST HARRISON, IN