

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 940942-WU  
from Florida Public Service ) ORDER NO. PSC-94-1230-FOF-WU  
Commission Regulation for ) ISSUED: October 7, 1994  
provision of water service in )  
Sumter County by FLORIDA CRUSHED )  
STONE COMPANY. )

ORDER GRANTING EXEMPT STATUS  
OF FLORIDA CRUSHED STONE COMPANY AND CLOSING DOCKET

BY THE COMMISSION:

On September 2, 1994, Florida Crushed Stone Company (Company) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(3), Florida Statutes. The Company's water service is to be provided by a well and its wastewater service, by two septic tanks. Its St. Catherine Mine, where these services are to be provided, is located at Highway 476B, Bushnell, Florida 33513, with a mailing address of Route 1, Box 58, Bushnell, Florida 33513. Tom Sheffield, Assistant Mine Planner, and primary contact person for the Company, filed the application. Mr. Sheffield's mailing address is 1616 South 14th Street, P.O. Box 490300, Leesburg, Florida 34749-0300.

Upon request and sufficient proof, the Commission will issue an order granting or denying the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. This application was filed in accordance with Section 367.022(3), Florida Statutes, and Rule 25-30.060(1), (2) and (3)(c), Florida Administrative Code. Section 367.022(3), Florida Statutes, states that "manufacturers providing service solely in connection with their operations" are not subject to regulation by the commission as a utility nor are they subject to the provisions of this chapter, except as expressly provided."

In order for the Company to construct its system, it must acquire a drilling permit for a proposed well from the Southwest Florida Water Management District, after first receiving a certificate of authorization or exemption from the Florida Public Service Commission. We find that the Company meets the necessary qualifications for a manufacturing entity exemption pursuant to Section 367.022(3), Florida Statutes, and Rule 25-30.060(3)(c), Florida Administrative Code. The Company states that its water and wastewater services are to be provided only in conjunction with its

DOCUMENT NUMBER-DATE

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business operations. In addition, Mr. Sheffield acknowledges his awareness of Section 837.06, Florida Statutes, which provides that "whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083."

Based on the facts as represented, we find that Florida Crushed Stone Company is exempt from Commission regulation pursuant to Section 367.022(3), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner(s) of the Company or any successor(s) in interest, must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

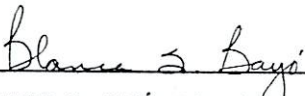
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Florida Crushed Stone Company, 1616 South 14th Street, P.O. Box 490300, Leesburg, Florida 34749-0300, is exempt from Commission regulation pursuant to the provisions of Section 367.022(3), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner(s) of Florida Crushed Stone Company or any successor(s) in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate the Company's exempt status. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 7th day of October, 1994.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.