

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board ) DOCKET NO. 951235-WS  
of County Commissioners of ) ORDER NO. PSC-96-1140-FOF-WS  
Manatee County Declaring Manatee ) ISSUED: September 10, 1996  
County Subject to the Provisions )  
of Chapter 367, Florida Statutes )  
- Request for Exemption for )  
Provision of Water Service by )  
Harold Schaffner. )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS OF  
HAROLD SCHAFFNER

BY THE COMMISSION:

On December 4, 1995, Mr. Harold Schaffner filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. Mr. Schaffner's system, which serves a warehouse park, is located at 1404 18th Avenue Drive East, Palmetto, Florida. Harold P. Schaffner is the owner and primary contact person for purposes of the application.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.022(5), Florida Statutes, and Rule 25-30.060(3)(e), Florida Administrative Code.

Section 367.022(5), Florida Statutes, states that an entity qualifies for exemption from Commission regulation if it provides service solely to its tenants, and there are no specific charges for the utility service. The application indicates that Mr. Schaffner provides water service only to his tenants and the service territory is limited to the system located at 1404 18th Avenue Drive East, Palmetto, Florida 34221. Furthermore, the water service is included as a nonspecific portion of the monthly rent. Wastewater service is provided by septic tank.

In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Harold Schaffner acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

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Based on the facts as represented, we find that Mr. Harold Schaffner is exempt from our regulation pursuant to Section 367.022(5), Florida Statutes. However, Mr. Schaffner, the owner of system located at 1404 18th Avenue Drive East, Palmetto, Florida, or any successors in interest is put on notice that if there is any change in circumstance or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes, it should inform the Commission within 30 days of such change so that its status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Mr. Harold Schaffner, 3608 Avenida Madera, Bradenton, Florida 34210, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes, only for the system located at 1404 18th Avenue Drive East, Palmetto, Florida 34221. It is further

ORDERED that this Docket shall remain open to process additional applications.

By ORDER of the Florida Public Service Commission, this 10th day of September, 1996.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

( S E A L )

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.