

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of the Board of County Commissioners in Manatee County declaring Manatee subject to the provision of Chapter 367, F.S. - Request for exemption from Florida Public Service Commission regulation for provision of water service by Taylor & Fulton, Inc. (Schwartz/Taylor Migrant Labor Camp)

DOCKET NO. 951235-WS
ORDER NO. PSC-98-0239-FOF-WS
ISSUED: February 6, 1998

ORDER INDICATING NONJURISDICTIONAL STATUS OF
TAYLOR & FULTON, INC. (SCHWARTZ/TAYLOR MIGRANT LABOR CAMP)

BY THE COMMISSION:

On December 7, 1995, Schwartz/Taylor Migrant Labor Camp filed an application with this Commission for recognition of its nonjurisdictional status, pursuant to Section 367.021(12), Florida Statutes. Upon review of the application, it was determined that the correct name of the entity is Taylor & Fulton, Inc. Therefore, Taylor & Fulton, Inc. is seeking recognition of its exempt status for the migrant labor camp known as Schwartz/Taylor Migrant Labor Camp (Schwartz/Taylor). The camp is located at 2202 Second Avenue West, Palmetto, Manatee County, Florida. Mr. William M. Monette, Vice President, and primary contact person, filed the application on behalf of Taylor & Fulton, Inc.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(2) and (3)(j), Florida Administrative Code.

Section 367.021(12), Florida Statutes, states that a "utility means a water or wastewater utility and except as provided in Section 367.022, includes every person, lessee, trustee, or receiver owning, operating, managing or controlling a system, or

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proposing construction of a system, who is providing or proposes to provide water or wastewater service to the public for compensation."

According to Taylor & Fulton, Inc.'s application, water service is provided only to the migrant labor camp located at 2202 Second Avenue West, Palmetto, Florida; there is no charge for providing the service; and all costs of providing service are treated or recovered as operational expenses. Wastewater service is provided by Manatee County.

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. Monette acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based on the facts as represented, we find that Taylor & Fulton, Inc. (Schwartz/Taylor) is not a utility pursuant to the provisions of Section 367.021(12), Florida Statutes. Accordingly, Taylor & Fulton, Inc. (Schwartz/Taylor) is not subject to this Commission's jurisdiction. However, the owner of Taylor & Fulton, Inc. (Schwartz/Taylor) or any successors in interest are put on notice that if there is any change in circumstance or method of operation which causes it to no longer qualify as a nonjurisdictional entity pursuant to Section 367.021, Florida Statutes, it should inform the Commission within 30 days of such change so that its status may be reevaluated.

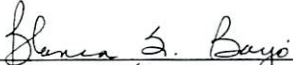
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Taylor & Fulton, Inc., Post Office Box 1087, Palmetto, Florida 34220, is not a water utility subject to this Commission's jurisdiction, pursuant to the provisions of Section 367.021(12), Florida Statutes. Such recognition of Taylor & Fulton, Inc.'s nonjurisdictional status applies only to the water system serving the migrant labor camp known as Schwartz/Taylor Migrant Labor Camp located at 2202 Second Avenue West, Palmetto, Florida. It is further

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

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By ORDER of the Florida Public Service Commission this 6th
day of February, 1998.



BLANCA S. BAYO, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.