



Public Service Commission

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

DATE: January 2, 1996
TO: Division of Records and Reporting
 Division of Legal Services, Alice Crosby
FROM: Division of Water & Wastewater, J. Travis Coker *JTC BOM JAW*
RE: DOCKET NO. 951235-WS; Resolution of the Board of County Commissioners of Manatee County subject to the provision of Chapter 367, F.S. - exemption request for water service by Lorraine Farms Migrant Worker Camp.

On October 10, 1995, the Manatee County Board of County Commissioners adopted Resolution No. R-95-109, pursuant to Section 367.171, Florida Statutes, declaring the privately owned water and wastewater utilities in Manatee County subject to the provisions of Chapter 367, Florida Statutes, effective October 10, 1995. The Florida Public Service Commission received Manatee County's resolution on October 17, 1995. The effect of the resolution is to invoke Public Service Commission jurisdiction over privately owned water and wastewater systems in Manatee County. Pursuant to Section 367.031, Florida Statutes, all utilities subject to the Commission's jurisdiction must obtain either a certificate to provide water and wastewater service or an order recognizing the exempt status of the system.

On December 7, 1995, Vice President, Mr. William M. Monette filed an application on behalf of Lorraine Farms Migrant Worker Camp (Lorraine Farms) for an exemption as a water service provider from the Florida Public Service Commission under Section 367.021 (12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code as a non-jurisdictional entity. The location of the water system is 1500 21st Street East, Palmetto, Florida, 34221. The system provides water service for migrant worker housing. The mailing address is P.O. Box 1087, Palmetto, Florida, 34220. Mr. Monette will continue to be the contact person for Commission purposes. Lorraine Farms is an agricultural production operating as a corporation. Water service is provided by a well. Wastewater service is provided by septic tank.

In its application, Lorraine Farms states it provides water service and there is no charge for providing utility service. Additionally, all costs of providing service are treated or recovered as operational expenses. The applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

Based upon the facts presented herein, staff believes Lorraine Farms is exempt from Commission regulation as a water service provider as defined by Section 367.021(12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code. Section 2.08(C)(14) of the Administrative Procedures Manual (APM) gives the Commission authority to approve requests for exempt status when the application is clear cut and without controversy.

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Staff recommends that an administrative order be issued within 30 days indicating the exempt status of Lorraine Farms. The order should provide that in the event of any change of circumstances or method of operation, Lorraine Farms, or its successor(s) in interest should notify the Commission within thirty days of such change so that its exempt status may be reevaluated.

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