EMORANDUM

January 8, 1996

TO:

RAJ AGARMAL, DIVISION OF LEGAL SERVICES

DIVISION OF RECORDS AND REPORTING

FROM:

CHRISTIME TOMLINSON, DIVISION OF WATER AND WASTEWATER/

RE:

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DOCKET NO. PRESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY DECLARING MANATEE COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES - REQUEST FOR EXEMPTION FOR PROVISION OF WATER AMD WASTEWATER SERVICE BY A. V. NELSON ASSOCIATES.

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 provision 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 367.131, 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 26, 1995, this Commission received an application from A. V. Nelson Associates (Nelson or utility) for a landlord-ACK ___tenant exemption pursuant to Section 367.022(5), Florida Statutes and Rule 25-30.060(3)(e), Florida Administrative Code. The primary Contact person for Nelson is Mr. Larry L. Mahan. The mailing __address for the above contact person and the utility is Tamiami Trail, Nokomis, Florida 34275. The physical address for The utility is 1508 18th Avenue East, Palmetto, Florida ...The utility, located in Manatee County, will provide water service solely to its tenants. The wastewater service is provided by 21.1 septic tanks. § , 🥎

The applicant, operating as a sole proprietor, has filed in accordance with Section 367.022(5), Florida Statutes, and Rules 25-30.060(3)(e), Florida Administrative Code. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements. A copy of the landlord's most recent version of a standard lease was included with the application. A statement SEC / that there are no additional charges for water; charges for this service are non-specifically contained in rental charges; and the WAS - service territory is limited to 1508 18th Avenue East, Palmetto, OTH Florida 34221, was included in the application. Based on the information provided, it is the recommendation of Staff that Nelson be granted a certificate of exemption for the utility located at DOCUMENT NUMBER-DATE

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1508 18th Avenue East, Palmetto, Florida 34221, pursuant to Section 367.021(5), Florida Statutes.

According to Section 2.08(c)(14), Administrative Procedures Manual, Staff has been given administrative authority to approve clear-cut or non-controversial requests for determination of exempt status. Staff recommends that an administrative order be issued as soon as possible finding A. V. Nelson Associates exempt from Commission regulation pursuant to Section 367.022(5), Florida Statutes. Staff further recommends that the order require A. V. Nelson Associates to notify this Commission in the event of any change of circumstances or method of operation of its water system. Furthermore, Staff recommends that this docket be closed.

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