

MEMORANDUM

January 29, 1996

TO : ALICE CROSBY, DIVISION OF LEGAL SERVICES
DIVISION OF RECORDS AND REPORTING

FROM: CHRISTINE C. TOMLINSON, DIVISION OF WATER AND WASTEWATER

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 DESOTO MEMORIAL DRAGSTRIP.

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 January 17, 1996, Desoto Memorial Dragstrip (Desoto or utility) applied for an exemption for a water facility from the Florida Public Service Commission under Section 367.021 (12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code, a non-jurisdictional entity. The physical and mailing address of the water system is 12100 State Road 64, Bradenton, Florida 34202. Ms. Jeanette Williams is the contact person per the application. The mailing address for Ms. Williams is the same as the utility's. Desoto provides water service to a dragstrip and wastewater service is provided by a septic tank.

In its application, Desoto states it provides water service only, there is no charge for providing utility service, all costs of providing service are treated or recovered as operational expenses and the service area was specified above. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

Based upon the facts presented herein, staff believes Desoto Memorial Dragstrip is exempt for water service as defined by Section 367.021(12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code. Section 2.08 (14) of the

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Administrative Procedures Manual (APM) gives staff the administrative authority to approve requests for determination of exempt status that are clear-cut and without controversy. Staff recommends that an administrative order be issued within 30 days indicating the exempt status of Desoto Memorial Dragstrip and closing the docket. The order should provide that in the event of any change of circumstances or method of operation, Desoto, or its successor(s) in interest should notify the Commission within thirty days of such change so that its exempt status may be reevaluated.

If any further information is needed, please contact me as soon as possible.

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