

MEMORANDUM

FEBRUARY 22, 1996

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

FROM: CHRISTINE TOMLINSON, DIVISION OF WATER AND WASTEWATER *30m*

RE: DOCKET NO. 951235-WS; RESOLUTION 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 SERVICE BY VALLEY FARMS MIGRANT LABOR CAMP. *CT*

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 18, 1995, Valley Farms Migrant Labor Camp (Valley Farms or utility) applied for a non-jurisdictional exemption from the Florida Public Service Commission regulation pursuant to Section 367.021(12), Florida Statutes. Mr. Robert Cohron of Harlee Farms, Inc. was identified as the primary contact person per the application. Mr. Cohron's address is P.O. Box 8, Palmetto, Florida 34221. The application was signed by Mr. Peter S. Harlee, Jr., president of Harlee Farms, Inc. and owner of Valley Farms.

ACK _____
AFA _____
APP _____
COP _____
COT _____
COT _____
COT _____

Valley Farms stated in its application that water service will be provided to itself solely, without compensation, and that all costs for providing such service will be treated or recovered as operational expenses. Water service, as previously mentioned, will be provided by a well, and wastewater service by a septic tank. The service territory, and physical address of the system is State Road 64 North side 1/2 mile East of I-75. The mailing address of the system is Harlee Farms, P.O. Box 8, Palmetto, Florida 34221.

The applicant, operating as a corporation, has filed in accordance with Section 367.021(12), Florida Statutes, and Rule 25-30.060(j), Florida Administrative Code, and has acknowledged Section 837.06, Florida Statutes, regarding false statements. Therefore, it is the recommendation of staff that Valley Farms Migrant Labor Camp be granted a certificate of exemption pursuant to Section 367.021(12), Florida Statutes.

Section 2.08(c)(14) of the Administrative Procedures Manual grants staff the

DOCUMENT NUMBER DATE
U2463 FEB 28 1996
FPS: DIVISIONS/REPORTING

administrative authority to approve requests for determination of exempt status that are clear-cut and without controversy. Therefore, staff recommends that an administrative order be issued as soon as possible finding Valley Farms Migrant Labor Camp exempt from Commission regulation pursuant to Section 367.021(12), Florida Statutes. Staff also recommends that the order require Valley Farms Migrant Labor Camp to notify the Commission within 30 days of any change in circumstances or method of operation of its water system so that its exempt status may be reevaluated. Furthermore, staff recommends that this docket remain open.

ct\wp\vfarms.rec