

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board) DOCKET NO. 951235-WS
of County Commissioners of) ORDER NO. PSC-96-0421-FOF-WS
Manatee County declaring Manatee) ISSUED: March 26, 1996
County subject to the provisions)
of Chapter 367, Florida Statutes)
- Request for Exemption for)
Provision of Water and)
Wastewater Service by Nu-Gulf)
Industries, Inc.)
_____)

ORDER INDICATING EXEMPT STATUS
OF NU-GULF INDUSTRIES, INC.

BY THE COMMISSION:

On December 12, 1995, Nu-Gulf Industries, Inc. (Nu-Gulf), filed an application with this Commission for recognition of Nu-Gulf's exempt status, pursuant to Section 367.022(3), Florida Statutes. Nu-Gulf is a phosphate mining operation located one mile East of Highway 64 in Manatee County, Florida. The primary contact person is Mr. R.H. Swanson.

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 367.022(3), Florida Statutes, and Rules 25-30.060(1), (2) and (3)(c), Florida Administrative Code.

Section 367.022(3), Florida Statutes, states that "manufacturers providing service solely in connection with their operations" "are not subject to regulation by the commission as a utility nor are they subject to the provisions of this chapter, except as expressly provided." According to Nu-Gulf's application, service is provided solely in conjunction with its business operations, and the service area is limited to the mining operation.

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

DOCUMENT NUMBER-DATE

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Based on the facts as represented, we find that Nu-Gulf Industries, Inc. is exempt from our regulation pursuant to Section 367.022(3), Florida Statutes. However, the owner of Nu-Gulf Industries, Inc. or any successors in interest are put on notice that if there is any change in circumstance or method of operation, it should inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Nu-Gulf Industries, Inc., Route 1, Box 570, Myakka City, Florida 34251, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(3), Florida Statutes. It is further

ORDERED that Docket No. 951235-WS shall remain open to process additional applications.

By ORDER of the Florida Public Service Commission, this 26th day of March, 1996.



BLANCA S. BAYÓ, 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 120.59(4), 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.