



Public Service Commission **CENTRAL FILE COPY**

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

**DATE:** June 17, 1996  
**TO:** Alice Crosby, Division of Legal Services  
 Division of Records and Reporting  
**FROM:** Patricia Brady, Division of Water and Wastewater *pb Solomon*  
**RE:** Docket No. 951235-WS: Resolution of Board of County Commissioners of Manatee County Declaring Manatee County Subject to the Provisions of Chapter 367, Florida Statutes - Request for non-jurisdictional finding for provision of water service by A-1 USED AUTO PARTS.

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 provisions 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-POF-WS. Pursuant to Section 367.031, 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 May 17, 1996, a revised application for a non-jurisdictional finding was filed on behalf of A-1 Used Auto Parts (A-1) pursuant to Section 367.021(12), Florida Statutes, by the owner, Mr. Henry L. Solomon. A-1 is the registered fictitious name for the sole-proprietorship. The physical location and mailing address for Mr. Solomon and A-1 is given as 1312 16th Avenue East, Palmetto, Florida 34221 (813/722-7764). This location is in Manatee County.

In accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(1) and (3)(j), Florida Administrative Code, Mr. Solomon signed a statement that there is no charge for providing water service and that all costs are recovered as operational expenses. A-1's wastewater service is handled by septic system. Mr. Solomon has acknowledged that he is aware of the penalty pursuant to Section 837.06, Florida Statutes, for knowingly making false statements in writing with the intent to mislead.

Section 2.08(C)(14) of the Administrative Procedures Manual grants staff authority to administratively approve requests for determination of exempt status that are clear-cut and without controversy. Staff finds the application in compliance with statutory requirements and without apparent controversy. Staff therefore recommends that an administrative order be issued finding A-1 Used Auto Parts non-jurisdictional pursuant to Section 367.021(12), Florida Statutes. Staff recommends that the order require the current owner, or successor-owners, of A-1 to notify the Commission within 30 days of any change in circumstances or method of operation of its water or wastewater systems so that the non-jurisdictional standing may be reevaluated. This docket should remain open.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMJ \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LF \_\_\_\_\_
- OP \_\_\_\_\_
- ROH \_\_\_\_\_
- SEL \_\_\_\_\_
- WAC \_\_\_\_\_
- OTH \_\_\_\_\_

C:\WP\REC\A\_1\_USED.N-J

DOCUMENT NUMBER-DATE

06638 JUN 20 96