



Public Service Commission

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

DATE: July 9, 1996
TO: Alice Crosby, Division of Legal Services
Division of Records and Reporting
FROM: Patricia Brady, Division of Water and Wastewater
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, F.S. - Request for non-jurisdictional finding for provision of water service by COUNTRY INN.

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 December 4, 1995, an application for a non-jurisdictional finding was filed on behalf of Country Inn (Country Inn or the restaurant) pursuant to Section 367.021(12), Florida Statutes, by Mr. Dick Lee who is the owner of the restaurant and primary contact. On July 3, 1996, Mr. Lee provided evidence of registration of the fictitious name for the sole-proprietorship. The revised mailing address for Mr. Lee and Country Inn is c/o Lee & Lee Attorney, 240 North Washington Boulevard, Suite 500, Sarasota, Florida 34236 (941/366-1990). The physical location of the restaurant is 36951 State Road 20 East, Myakka City, Florida. This location is in Manatee County.

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In accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(1) and (3)(j), Florida Administrative Code, Mr. Lee signed a statement that there is no charge for providing water service and that all costs are recovered as operational expenses. The restaurant's wastewater service is handled by septic system. Mr. Lee 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 Country Inn non-jurisdictional pursuant to Section 367.021(12), Florida Statutes.

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Staff recommends that the order require the current owner, or successor-owners, of Country Inn 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.

The docket should remain open to process additional applications resulting from Resolution No. R-95-109 by the Board of County Commissioners of Manatee County.