



## Public Service Commission

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

**DATE:** July 15, 1996  
**TO:** Division of Records and Reporting  
Division of Legal Services, Alice Crosby  
**FROM:** Division of Water & Wastewater, J. Travis Coker *JTC*  
**RE:** Docket No. 960703-WU; Request for exemption from Florida Public Service Commission regulation for provision of water service in Marion County by Tom Shively Hi Performance.

On June 5, 1996, this Commission received an application from Tom Shively Hi Performance (Shively) for a non-jurisdictional entity exemption pursuant to Section 367.021(12), Florida Statutes, (F.S.) and Rule 25.30-060 (j), Florida Administrative Code, (F.A.C.). After review of such application, staff determined that the appropriate application for this submission would be that of a landlord-tenant exemption pursuant to Section 367.022(5), F.S. and Rule 25.30-060 (3)(e), F.A.C. This Commission received a landlord-tenant exemption application on July 9, 1996. The applicant is a high performance automotive repair company and provides water service solely for its offices and private use. Shively operates as a sole proprietorship. The application stated that there is no charge for providing utility service and all costs of providing service are included in the rental charges. Water service is provided by a well and wastewater service is provided by septic tank. The service area is located at 6901 West Highway 40, Ocala, Florida. The mailing address of Shively is 6800 West Highway 40, Ocala, Florida 34482.

In summary, staff has determined that Shively meets the necessary qualifications for a landlord-tenant exemption pursuant to Section 367.022(5), Florida Statutes. The applicant stated that services are only for personal use in conjunction with its business operations. Ms. Dorothy Shively, owner of Tom Shively Hi Performance, signed the application. In addition, Ms. Shively acknowledged Section 837.06, Florida Statutes, regarding false statements.

Therefore, staff recommends that an administrative order be issued as soon as possible finding Tom Shively Hi Performance exempt from Commission regulation pursuant to Section 367.022(5), Florida Statutes. Staff further recommends that the order require Tom Shively Hi Performance to notify this Commission in the event of any change of circumstances or method of operation of its water system. Furthermore, staff recommends that this docket be closed.

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