



Public Service Commission

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

DATE: October 16, 1996

TO: Alice Crosby, Division of Legal Services
Division of Records and Reporting

FROM: Patricia Brady, Division of Water and Wastewater *pb bsm qrw*

RE: Docket No. ~~951295-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 **CAMP FLYING EAGLE.**

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-FOF-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 September 3, 1996, a revised application for a non-jurisdictional finding was filed on behalf of Camp Flying Eagle pursuant to Section 367.021(12), Florida Statutes, by the Mr. John M. Akerman. Mr. Akerman is a corporate officer of the Southwest Florida Council, Inc., Boy Scouts of America, (B.S.A.) which owns Camp Flying Eagle. Camp Flying Eagle is a registered fictitious name for B.S.A. The address for Mr. B.L. Pratt, the primary contact for the application, is 38751 Bermont Road, Punta Gorda, Florida 33982 (941/639-4800). The physical location and service territory for Camp Flying Eagle is 16009 Upper Manatee River Road, Bradenton, Florida 34202, 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. Akerman signed a statement that there is no charge for providing water service and that all costs are recovered as operational expenses. Camp Flying Eagle's wastewater service is handled by septic system. Mr. Akerman has also 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 Camp Flying Eagle non-jurisdictional pursuant to

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Section 367.021(12), Florida Statutes. Staff recommends that the order require the current owner, or any successors in interest, of Camp Flying Eagle to notify the Commission within 30 days of any change in circumstances or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes. This docket should remain open to process additional exemptions.