



Public Service Commission

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DATE: January 10, 1997
TO: Alice Crosby, Division of Legal Services
Division of Records and Reporting
FROM: Patricia Brady, Division of Water and Wastewater *PB BSM DW*
RE: Docket No. ~~95-1393~~-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 CIRCLE K STORES INC., STORE NO. 7071

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 January 19, 1996, an application for a non-jurisdictional finding for a water system was filed on behalf of Circle K Stores Inc., Store No. 7071 (Store No. 7071), pursuant to Section 367.021(12), Florida Statutes, by Mr. Bernard A. Jarka who is the service manager. Since the application was not attested to by the owner of the utility facility, staff found it deficient. On December 30, 1996, a revised application was filed by Mr. Joel A. Sterrett. Mr. Sterrett is the Vice President and Secretary of Circle K Stores Inc. The primary contact for the application is Mr. Jarka who can be reached at 5650 Breckenridge Parkway, Tampa, Florida 33610 (813/744-5249). The mailing address for Mr. Sterrett and Store No. 7071 is c/o Circle K Stores Inc., 3003 North Central, 18th Floor, Phoenix, Arizona 52085. The physical location and service territory of the water system is 4503 U.S. 41 Boulevard, Palmetto, Florida 34221, 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. Sterrett signed a statement that there is no charge for providing water service and that all costs are recovered as operational expenses. Store No. 7071's wastewater service is handled by septic system. Mr. Sterrett 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)(1+) 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 Circle K Stores Inc., Store No. 7071, non-jurisdictional pursuant to Section 367.021(12), Florida Statutes. Staff recommends that the order require the current owner, or any successors in interest, of Store No. 7071 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.