



Public Service Commission

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

DATE: February 17, 1997

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

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

RE: Docket No. ~~950006~~-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 exemption for provision of water service by WINTERSET PARK

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 367.131, 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 30, 1996, separate applications for public lodging and landlord-tenant exemptions were filed on behalf of Winterset Park (Winterset or park) pursuant to Sections 367.022(4) and (5), Florida Statutes, respectively. The applications were signed by Mr. Martin Newby. Mr. Newby is one of several partners owning the property under their own names. The applications originally listed Dan or Shelly Shutka as the primary contacts. The park is now being managed by Will and Ruth Hall who have been acting as the primary contacts. The mailing address for the system is 3801 Bee Ridge Road, Suite 12, Sarasota, Florida 34233. The physical location of the system and the mailing address and phone number for Mr. & Mrs. Hall is 8515 U.S. Highway 41 North, Palmetto, Florida 34221 (941/722-4884). This location is in Manatee County.

Winterset has been in existence since the early 1970's. The park has 223 lots of which 6 are used exclusively for public lodging. The remainder of the lots are available for long-term lease. Water service is provided from park-owned facilities. Wastewater service is provided by Manatee County. In accordance with Rules 25-30.060(1), (2), (3)(d) and (3)(e), Florida Administrative Code, Mr. Newby has filed statements that utility service is provided solely to guests or tenants and that there are no specific charges for the services. Instead, the cost of providing the services are non-specifically included in lot rent. An additional statement was provided by Martin Newby Management that there is no formal lease for Winterset tenants. By signing the applications, Mr. Newby 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.

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Section 2.08(C)(14) of the Administrative Procedures Manual grants staff the administrative authority to approve requests for determination of exempt status that are clear-cut and without controversy. Staff, therefore, recommends that an administrative order be issued finding Winterset Park exempt from regulation pursuant to Sections 367.022(4) and (5), Florida Statutes. Staff recommends that the order require the current owner, or any successors in interest, of Winterset to notify the Commission within 30 days of any change in circumstances or method of operation of the water or wastewater systems which would cause the park to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes.

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