

ORIGINAL

MEMORANDUM

January 9, 1998

TO : ALICE CROSBY, DIVISION OF LEGAL SERVICES
 DIVISION OF RECORDS AND REPORTING

FROM : MARTHA GOLDEN, DIVISION OF WATER AND WASTEWATER *may 68 JMW*

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, FLORIDA
 STATUTES - REQUEST FOR EXEMPTION FOR PROVISION OF WATER
 SERVICE BY MANATEE OIL DISTRIBUTORS, INC. (PORT STOP #3)

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 provision 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 December 4, 1995, this Commission received an application from Port Stop #3 for a non-jurisdictional exemption pursuant to Section 367.021(12), Florida Statutes. Upon review of the application, it was determined that the applicant for the exemption is actually Manatee Oil Distributors, Inc. (Manatee Oil) for a convenience store currently named Parrish B.P. The primary contact person for Manatee Oil is Ryan Regal, President. The mailing address for the above contact person and utility is Manatee Oil Dist. Inc., Box 70, Bradenton, Florida 34206. The utility's physical address is U.S. 301 & C.R. 675, Parrish, Florida. Nancy and Ralph Regal are the owners of the system.

The applicant, operating as a corporation, has filed in accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(j), Florida Administrative Code. Included with the application was a statement that there is no charge for providing water service, and all costs of providing service are treated or recovered as operational expenses. Wastewater service is provided by septic tank. Additionally, the applicant acknowledged Section 367.06, Florida Statutes, regarding false statements.

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Based on the above, an administrative order should be issued as soon as possible approving Manatee Oil Distributors, Inc.'s application for exemption pursuant to Section 367.021(12), Florida Statutes. In the event of any change of circumstances or method of operation, Manatee Oil or its successor(s) in interest, should be ordered to notify the Commission within thirty days of such change so that its exempt status may be reevaluated. Additionally, staff recommends that this docket should remain open for the processing of additional applications.

I: portstop.mag