

MEMORANDUM

January 22, 1998

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

FROM : STEPHANIE CLAPP, DIVISION OF WATER AND WASTEWATER *P 66m PMA*

RE : DOCKET NO. 95-~~XXXXXX~~, 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 OUTWARD BOUND *SA*

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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 18, 1995, this Commission received an application from Outward Bound for a small system exemption pursuant to Section 367.022(6), Florida Statutes. However, after review of the application and discussions with Mr. Mike Muley, primary contact, staff determined that Outward Bound meets the necessary qualifications for a non-jurisdictional finding as provided for in Section 367.021(12), Florida Statutes. The applicant will provide water and wastewater service for only the operation of its camp. The water service is provided by a well, and wastewater service is provided by a septic tank. The physical address of the system is 38620 State Road 64 East, Myakka City, Florida 34251. The mailing address for the system is Route 1, Box 569, Myakka City, Florida 34251. Mr. Muley's mailing address is 907 North Gadsden Street, Tallahassee, Florida 32303.

As stated above, the application was originally filed in accordance with Section 367.022(6), Florida Statutes, however, staff has determined that Outward Bound meets the necessary qualifications for a non-jurisdictional exemption pursuant to Section 367.021(12), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(j), Florida Administrative Code. The applicant has stated that the services will be provided to the camp, without

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FPSC RECORDS/REPORTING

Page Two  
Docket No. 951235-WS

compensation, and that all cost for providing such service will be recovered as operational expenses. Additionally, the applicant acknowledged Section 367.06, Florida Statutes, regarding false statements.

According to Section 2.08(C)(14), Administrative Procedures Manual, staff has been given administrative authority to approve clear-cut or non-controversial requests for determination of exempt status. Staff recommends that an administrative order be issued finding Outward Bound exempt from Commission regulation pursuant to Section 367.021(12), Florida Statutes. In the event of any change of circumstances or method of operation, Outward Bound 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.

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