

State of Florida



# Public Service Commission


CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

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**DATE:** August 24, 2018

**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk

**FROM:** Melinda Watts, Engineering Specialist, Division of Engineering 

**RE:** Docket No. 20170171-WS – Resolution of the Board of County Commissioners of Leon County declaring Leon County subject to the provisions of Section 367, Florida Statutes

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Please file the attached documents "Email to Hilltop Groceries regarding exemption status" to the Docket file for Docket No. 20170171-WS.

Thank you.

MW/jp

Attachment

## Melinda Watts

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**From:** Melinda Watts  
**Sent:** Friday, August 24, 2018 11:15 AM  
**To:** 'hilltopcntrystore@yahoo.com'  
**Subject:** Emailing: 03984-2018.pdf  
**Attachments:** 03984-2018.pdf

Mr. Brown,

Attached is a copy of the certified letter that the Florida Public Service Commission mailed to Hilltop Groceries on May 31, 2018, requesting a response. Please respond to this email address.

Thank you.

Melinda Watts  
Florida Public Service Commission  
(850) 413-6952

COMMISSIONERS:  
ART GRAHAM, CHAIRMAN  
JULIE I. BROWN  
DONALD J. POLMANN  
GARY F. CLARK  
ANDREW GILES FAY

STATE OF FLORIDA



DIVISION OF ENGINEERING  
TOM BALLINGER  
DIRECTOR  
(850) 413-6910

## Public Service Commission

May 31, 2018

VIA CERTIFIED MAIL

Mr. Eric Brown  
Hilltop Grocery  
14855 Mahan Drive  
Tallahassee, FL 32309

**Re: Docket No. 20170171-WS - Resolution of the Board of County Commissioners of Leon County declaring Leon County subject to the provisions of Section 367, Florida Statutes.**

Dear Mr. Brown:

On September 28, 2017, Florida Public Service Commission (Commission) staff sent a letter (copy enclosed) to Hilltop Grocery regarding Hilltop Grocery's possible exemption from Commission regulation of privately-owned water and wastewater systems in Leon County, Florida. Staff's letter dated September 28, 2017, requested that you respond in writing affirming that Hilltop Grocery does not provide water or wastewater service to the public for compensation.

To date, the Commission has no record of a response from Hilltop Grocery. Please provide your response, with the docket number in the subject line, to the following address by June 14, 2018:

Director, Office of Commission Clerk  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

If you have any questions, please contact Mrs. Melinda Watts by phone at (850) 413-6952 or email at [mwatts@psc.state.fl.us](mailto:mwatts@psc.state.fl.us).

Sincerely,

A handwritten signature in cursive script that reads "Melinda Watts".

Melinda Watts  
Engineering Specialist  
Division of Engineering

MW:pz

Enclosure

cc: Office of Commission Clerk (DN 20170171-WS)

COMMISSIONERS:  
JULIE I. BROWN, CHAIRMAN  
ART GRAHAM  
RONALD A. BRISÉ  
DONALD J. POLMANN  
GARY F. CLARK

STATE OF FLORIDA



DIVISION OF ENGINEERING  
TOM BALLINGER  
DIRECTOR  
(850) 413-6910

## Public Service Commission

September 28, 2017

Mr. Eric Brown  
Hilltop Grocery  
14855 Mahan Drive  
Tallahassee, FL 32309

**Re: Docket No. 20170171-WS - Resolution of the Board of County Commissioners of Leon County declaring Leon County subject to the provisions of Section 367, Florida Statutes.**

Dear Mr. Brown:

The Board of County Commissioners of Leon County (County) adopted Resolution No. R17-12 on June 20, 2017. The resolution transferred jurisdiction over privately-owned water and wastewater utilities in Leon County to the Florida Public Service Commission (FPSC or Commission), effective the date the County voted on the resolution. A copy of the Commission's order acknowledging the transfer of jurisdiction is provided as Enclosure 1.

The FPSC is a state agency which provides service regulation over the provision of service to utility customers, and economic regulation over a utility's rates and charges pursuant to Chapter 367, Florida Statutes (F.S.). Our jurisdiction is separate and distinct from the jurisdiction of the Florida Department of Environmental Protection and your local water management district. Section 367.021(12), F.S., states that "utility" means a water or wastewater utility and, except as provided in s. 367.022, includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation.

Based on your conversation with Commission staff, it appears that Hilltop Grocery does not meet the definition of a utility in that it does not provide water or wastewater service to the public for compensation, and is, therefore, not subject to Commission regulation. Please provide a written response by October 27, 2017, affirming that Hilltop Grocery does not provide water or wastewater service to the public for compensation.

However, the owner of Hilltop Grocery or any successors in interest are put on notice that if there is any change in circumstance or method of operation which causes it to meet the definition of a utility, and if it does not qualify for exemption pursuant to Section 367.022, F.S. (Enclosure 2), it should inform the Commission within 30 days of such change so that its status may be reevaluated.

Mr. Eric Brown  
September 28, 2017  
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Please be advised that pursuant to Section 837.06, F.S., whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 or 775.083, F.S.

Your response should include the docket number and be mailed to :

Director, Office of Commission Clerk  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

If you have any questions, please contact Mrs. Melinda Watts by phone at (850) 413-6952 or email at [mwatts@psc.state.fl.us](mailto:mwatts@psc.state.fl.us).

Sincerely,

A handwritten signature in black ink that reads "Melinda Watts" with a stylized flourish at the end.

Melinda Watts  
Engineering Specialist  
Division of Engineering

MW:tj

cc: Office of Commission Clerk (DN 20170171-WS)

Enclosures