



Public Service Commission

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

DATE: December 19, 1995
TO: Division of Records and Reporting
Division of Legal Services, Charles Pellegrini
FROM: Division of Water & Wastewater, J. Travis Coker *W-Coker*
RE: DOCKET NO. 951235-WS; Resolution of the Board of County Commissioners of Manatee County subject to the provision of Chapter 367, F.S. - exemption request for water and wastewater service by Lazy Acres Mobile Home Park.

On October 10, 1995, the Manatee County Board of County Commissioners adopted Resolution No. R-95-109, pursuant to Section 367.171, Florida Statutes, declaring the privately owned water and wastewater utilities in Manatee County subject to the provisions of Chapter 367, Florida Statutes, effective October 10, 1995. The Florida Public Service Commission received Manatee County's resolution on October 17, 1995. The effect of the resolution is to invoke Public Service Commission jurisdiction over privately owned water and wastewater systems in Manatee County. Pursuant to Section 367.031, Florida Statutes, all utilities subject to the Commission's jurisdiction must obtain either a certificate to provide water and wastewater service or an order recognizing the exempt status of the system.

On December 6, 1995, Ms. Roberta Smith filed an application on behalf of Lazy Acres Mobile Home Park (Lazy Acres) for an exemption as a water and wastewater service provider from the Florida Public Service Commission under Section 367.022 (5), Florida Statutes, and Rule 25-30.060(3)(e), Florida Administrative Code as an exempt landlord-tenant entity. The location of the water and wastewater systems is 515 77th Street East, Palmetto, Florida. The park includes nineteen mobile home lots and four lots for recreational vehicles. The mailing address is the same as the above address. Ms. Smith, the owner of Lazy Acres, will remain as the contact person for Commission purposes. Lazy Acres is a mobile home park operating as a sole-proprietorship. Water service is provided by a well. Wastewater service is provided by septic tank.

In its application, Lazy Acres states it provides water and wastewater service and there is no charge for providing utility service. Additionally, all costs of providing service are treated or recovered as operational expenses. The applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

Based upon the facts presented herein, staff believes Lazy Acres is exempt from Commission regulation as a water and wastewater service provider as defined by Section 367.022(5), Florida Statutes, and Rule 25-30.060(3)(e), Florida Administrative Code. Section 2.08(C)(14) of the Administrative Procedures Manual (APM) gives ~~000000~~ the NUMBER-DATE

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administrative authority to approve requests for exempt status when the application is clear-cut and without controversy.

Staff recommends that an administrative order be issued within 30 days indicating the exempt status of Lazy Acres. The order should provide that in the event of any change of circumstances or method of operation, Lazy Acres, or its successor(s) in interest should notify the Commission within thirty days of such change so that its exempt status may be reevaluated.

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