



Public Service Commission

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

DATE: January 2, 1996

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

FROM: Division of Water & Wastewater, J. Travis Coker *JTC Bism W*

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 service by Roger Harloff Farms.

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 4, 1995, Mr. Roger W. Harloff filed an application on behalf of Roger Harloff Farms (Harloff Farms) for an exemption as a water service provider from the Florida Public Service Commission under Section 367.021 (12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code as a non-jurisdictional entity. The location of the water system is 4555 Verna Bethany Road, Myakka City, Florida, 34251. The system provides water service for migrant worker housing. The mailing address is P.O. Box 1787, Bradenton, Florida, 34206. Mr. John A. Tipton will be the contact person for Commission purposes. Harloff Farms is an agricultural production operating as a sole proprietorship. Water service is provided by a well. Wastewater service is provided by septic tank.

In its application, Harloff Farms states it provides water 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 Harloff Farms is exempt from Commission regulation as a water service provider as defined by Section 367.021(12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code. Section 2.08(C)(14) of the Administrative Procedures Manual (APM) gives staff the administrative authority to approve requests for exempt status when the application is clear-cut and without controversy.

DOCUMENT NUMBER DATE

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Docket No. 951235-WS
January 2, 1996

Staff recommends that an administrative order be issued within 30 days indicating the exempt status of Harloff Farms. The order should provide that in the event of any change of circumstances or method of operation, Harloff Farms, 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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