



Public Service Commission

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

DATE: July 1, 1996
TO: Donna Cyrus-Williams, Division of Legal Services
 Division of Records and Reporting
FROM: Patricia Brady, Division of Water and Wastewater *pb*
RE: Docket No. [REDACTED] Resolution of the Board of County Commissioners of Manatee County declaring Manatee County subject to the provisions of Chapter 367, F.S. - Request for non-jurisdictional finding for provision of water service by DESOTO SPEEDWAY, INC. *msm/gom*

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 provisions 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 367.031, 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 June 10, 1996, an application for a non-jurisdictional finding was filed on behalf of DeSoto Speedway, Inc., (DeSoto or speedway) pursuant to Section 367.021(12), Florida Statutes, by Mr. DeWayne L. Musick who is the owner of the speedway and primary contact. DeSoto is registered with the State of Florida an active and current foreign corporation. Mr. Musick can be contacted at 1701 Nine - 1/2 Mile Road, Cantonment, Florida 32533 (904/969-1497). The mailing address for DeSoto is P.O. Box 20005, Bradenton, Florida, 34203. The physical location and service territory for the speedway is 21000 A State Road 64 East, Bradenton, Florida, 34202. This location is in Manatee County.

In accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(1) and (3)(j), Florida Administrative Code, Mr. Musick signed a statement that there is no charge for providing water service and that all costs are recovered as operational expenses. The speedway's wastewater service is handled by septic drainfields. By signing the application, Mr. Musick has acknowledged that he is aware of the penalty pursuant to Section 837.06, Florida Statutes, for knowingly making false statements in writing with the intent to mislead.

Section 2.08(C)(14) of the Administrative Procedures Manual grants staff authority to administratively approve requests for determination of exempt status that are clear-cut and without controversy. Staff finds the application in compliance with statutory requirements and without apparent controversy. Staff therefore recommends that an administrative order be issued finding DeSoto Speedway, Inc., non-jurisdictional pursuant to Section 367.021(12), Florida Statutes. Staff recommends that the order require the current owner, or successor-owners, of Desoto to notify the Commission within 30 days of any change in circumstances or method of operation of its water or wastewater systems so that the non-jurisdictional standing may be reevaluated. This docket should remain open.

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