

ORIGINAL

MEMORANDUM

March 24, 1998

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

FROM : STEPHANIE CLAPP, DIVISION OF WATER AND WASTEWATER *@ Bob Bowling*

RE : DOCKET NO. 951235-WS; 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
AND WASTEWATER SERVICE BY SAFFOLD FARMS *bl*

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-POF-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 3, 1995, this Commission received an application from Saffold Farms for a landlord-tenant exemption pursuant to Section 367.022(5), Florida Statutes. After review of the application, the letter from Saffold Farms dated March 11, 1998, and discussion with Mr. Bob Bowling, primary contact for Saffold Farms, staff determined that Saffold Farms meets the necessary qualifications for a landlord-tenant exemption finding as provided for in Section 367.021(12), Florida Statutes. The applicant will provide water and wastewater services for only Saffold Farms tenants. The water service is provided by a well, and wastewater service is provided by septic tanks. Mr. Bowling's address, as well as, the mailing address of the system is Post Office Box 12, Wimauma, Florida 33598. The physical address for the system is Saffold Road and Packinghouse Road, Wimauma, Florida.

As stated above, the application was filed in accordance with Section 367.022(5), Florida Statutes, for a landlord-tenant exemption pursuant to Section 367.021(12), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(e), Florida Administrative Code. The applicant has stated that the services will be provided to the tenants, with all costs being non-specifically contained in the

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regular rental charge. Additionally, the applicant acknowledged Section 837.06, 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 Saffold Farms exempt from Commission regulation pursuant to Section 367.022(5), Florida Statutes. In the event of any change of circumstances or method of operation, Saffold Farms, 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.

I: saffold.sac