



Public Service Commission

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

DATE: June 27, 1995
TO: Alice Crosby, Division of Legal Services
 Division of Records and Reporting
FROM: Patricia Brady, Division of Water and Wastewater *pb WJW*
RE: Docket No. 950728-WU, Request for exemption from Florida Public Service Commission regulation for provision of water service in Pasco County by ERA Dennis Realty & Investment Corporation.

On June 26, 1995, a petition for non-jurisdictional exemption from regulation by the Florida Public Service Commission was filed on behalf of ERA Dennis Realty & Investment Corporation (ERA Dennis Realty or the Realty Company), pursuant to Section 367.021(12), Florida Statutes. The application was signed by Mr. Robert Dennis as President of ERA Dennis Realty. The primary contact persons are listed as Robert and Juanita Dennis at (813) 949-7444/(800) 922-5943. The intended physical address and service territory for the Realty Company will be the junction of County Line Road and U.S. Highway 41 North, in Lutz, Florida. This location is in Pasco County. Until a street address is assigned, the mailing address for ERA Dennis Realty and for Robert and Juanita Dennis is 19209 Highway 41 North, Lutz, Florida, 33549.

In accordance with Section 367.021(12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code, Mr. Dennis has signed a statement that the Realty Company will provide water service without compensation and that all costs will be treated and recovered as operational expenses. Wastewater is intended to be handled either by septic system or by linking into the County's system. If some system other than county wastewater or septic is ultimately designed, Mr. Dennis has indicated that he will file a timely application for a wastewater exemption. Mr. Dennis 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 the administrative authority to 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 ERA Dennis Realty & Investment Corporation exempt from Commission regulation pursuant to Section 367.021(12), Florida Statutes.

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Staff also recommends that the order require the current owner, or successors, of ERA Dennis Realty to notify the Commission within 30 days of any change in circumstances or method of operation of the proposed water or wastewater systems so that the exempt status may be reevaluated. Furthermore, staff recommends that this docket be closed.

Please note that the applicant must obtain this exemption order before a DEP permit can be issued and the applicant needs the DEP permit before the county will issue a construction permit; therefore, this order must be issued as soon as possible.

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