

MEMORANDUM

August 31, 1995

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

FROM: CHRISTINE TOMLINSON, DIVISION OF WATER AND WASTEWATER

RE: DOCKET NO. 941044-WS; RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY DECLARING CHARLOTTE COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES - REQUEST FOR EXEMPTION FOR PROVISION OF WATER SERVICE BY ROADHOUSE 41.

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On September 27, 1994, the Board of County Commissioners of Charlotte County adopted Resolution No. 94-195, pursuant to Section 367.171, Florida Statutes, declaring that as of September 27, 1994, 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 28, 1994, by Order No. PSC-94-1451-FOF-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 August 4, 1995, Roadhouse 41 (utility) applied for a non-jurisdictional exemption from the Florida Public Service Commission regulation pursuant to Section 367.021(12), Florida Statutes. Ms. Bett Griffin is the owner and primary contact person per the application. Ms. Griffin's address is 760 Holiday Drive, Punta Gorda, Florida 33950-8723.

Roadhouse 41, located in Charlotte County, stated in its application that water service will be provided to itself solely, without compensation, and that all costs for providing such service will be treated or recovered as operational expenses. Water service, as previously mentioned, will be provided by a well, and wastewater service by a septic tank. The service territory, which is also the physical address of Roadhouse 41, is: 11159 Tamiami Trail, Punta Gorda, Florida 33955.

The applicant, operating as a sole proprietor, has filed in accordance with Section 367.021(12), Florida Statutes, and Rule 25-30.060(j), Florida Administrative Code, and has acknowledged Section 837.06, Florida Statutes, regarding false statements. Therefore, it is the recommendation of staff that Roadhouse 41 be granted a certificate of exemption pursuant to Section 367.021(12), Florida Statutes.

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. Therefore, staff recommends that an administrative order

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be issued as soon as possible finding Roadhouse 41 exempt from Commission regulation pursuant to Section 367.021(12), Florida Statutes. Staff also recommends that the order require Roadhouse 41 to notify the Commission within 30 days of any change in circumstances or method of operation of its water system so that its exempt status may be reevaluated. Furthermore, staff recommends that this docket be closed.

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