

MEMORANDUM

April 9, 1998

TO : RALPH JAEGER, DIVISION OF LEGAL SERVICES
 DIVISION OF RECORDS AND REPORTING

FROM : STEPHANIE CLAPP, DIVISION OF WATER AND WASTEWATER *SC*

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
 IRRIGATION WATER SERVICE SEABREEZE MOBILE ESTATES

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 4, 1995, this Commission received an application from Seabreeze Mobile Estates (Seabreeze) for a reseller exemption pursuant to Section 367.021(12), Florida Statutes. However, after review of the application and discussion with Mr. John Smilde, primary contact person for Seabreeze, staff determined that Seabreeze meets the necessary qualifications for a provider of nonpotable irrigation water as provided for in Section 367.022(11), Florida Statutes. The applicant will provide nonpotable irrigation water services for only the residents of Seabreeze Mobile Estates. Potable water service for domestic purposes is provided by the City of Bradenton. The mailing address for the above contact person and utility is 3901 71 Street West, Bradenton, Florida 34209. The utility's physical address is the same as the mailing address.

The applicant, operating as a partnership, has filed in accordance with Section 367.022(8), Florida Statutes, and Rules 25-30.060 (1), (2), and (3)(h), Florida Administrative Code. The applicant has stated that the services will be provided to the residents, with costs being paid through direct billing of users. Additionally, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CRM _____
- CTR _____
- EAC _____
- LEG _____
- LIR _____
- COM _____
- FOR _____
- STP _____
- WAT _____
- OTH _____

DOCUMENT NUMBER DATE
 04116 APR-98

Page Two
Docket No. 951235-WS

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 Seabreeze Mobile Estates exempt from Commission regulation pursuant to Section 367.022(11), Florida Statutes. In the event of any change of circumstances or method of operation, Seabreeze 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: seabreez.sac