



# Public Service Commission

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

**DATE:** March 3, 1997

**TO:** Alice Crosby, Division of Legal Services  
Division of Records and Reporting

**FROM:** Patricia Brady, Division of Water and Wastewater *pb*

**RE:** Docket No. ~~051006~~ **WS:** 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 **TURNER FOODS CORPORATION.**

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 January 18, 1996, an application for a non-jurisdictional finding on behalf of Turner Foods Corporation (Turner Foods) was filed, pursuant to Section 367.021(12), Florida Statutes, by Mr. Louis R. Gotsch. Since Mr. Gotsch was not a corporate officer, staff found the application deficient. By letter dated January 28, 1997, staff received confirmation from Mr. John C. Merritt, Vice-President of Turner Foods, that Turner Foods adopts all the information contained in the application as accurate and its own. The primary contact for the application is Mr. Gotsch. The mailing address and phone number for Mr. Gotsch are P.O. Box 407, Parrish, Florida 34219 (941/776-2661). The physical location and service territory for the system is 12729 Alandco Road, Parrish, Florida 34219, 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. Gotsch signed a statement that there is no charge for providing water service and that all costs are recovered as operational expenses. Turner Foods' wastewater service is handled by septic system. Mr. Gotsch has also 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.

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FPSC-RECORDS/REPORTING

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 recommends that an administrative order be issued finding Turner Foods Corporation non-jurisdictional pursuant to Section 367.021(12), Florida Statutes. Staff recommends that the order require the current owner of Turner Foods, or any successors in interest, to notify the Commission within 30 days of any change in circumstances or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes. This docket should remain open to process additional exemptions.