

MEMORANDUM

December 19, 1995

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

FROM: RICHARD REDEMANN, DIVISION OF WATER AND WASTEWATER

RE : DOCKET NO. 951235-WS; RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF MANATEE COUNTY SUBJECT TO THE PROVISION
OF CHAPTER 367, F.S. - EXEMPTION REQUEST FOR WATER
SERVICE BY MILL CREEK MIGRANT LABOR CAMP WATER SYSTEM.

copy

On October 10, 1995, the Manatee County Board of County Commissioners adopted Resolution No. R-95-109, pursuant to Section 367.171, Florida Statutes, declaring the privately owned water and wastewater utilities in Manatee County subject to the provisions of Chapter 367, Florida Statutes, effective October 10, 1995. The Florida Public Service Commission received Manatee County's resolution on October 17, 1995. The effect of the resolution is to invoke Public Service Commission jurisdiction over privately owned water and wastewater systems in Manatee County. Pursuant to Section 367.031, Florida Statutes, all utilities subject to the Commission's jurisdiction must obtain either a certificate to provide water and wastewater service or an order recognizing the exempt status of the system.

On December 4, 1995, Dimare Homestead Inc. - Mill Creek Migrant Labor Camp Water System (Mill Creek) applied for an exemption for a water facility from the Florida Public Service Commission under Section 367.021 (12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code a non-jurisdictional entity. On December 13, 1995 the application was refiled by the company's treasurer, Mr. Anthony J. Dimare. A copy of the application is attached. The location of the water system is at 3900 29th Street, East, Ellenton, FL 34222. The mailing address is Mill Creek Farms, P.O. Box 967, Ruskin, FL 33570. Ms. Joan E. Sheffield, manager, is the contact person. Mill Creek provides water service to a farm. Wastewater service is provided by a septic tank.

In its application, the Mill Creek states it provides water service only, there is no charge for providing utility service, all costs of providing service are treated or recovered as operational expenses and the service area was specified above. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

DOCUMENT NUMBER-DATE

12911 DEC 21 95

FPSC-RECORDS/REPORTING

DOCKET NO. 951235-WS
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Based upon the facts presented herein, staff believes Mill Creek is exempt for water service as defined by Section 367.021(12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code. Section 2.08(C)(14) of the Administrative Procedures Manual (APM) gives staff the administrative authority to approve requests for determination of exempt status that are clear-cut and without controversy. Staff recommends that an administrative order be issued within 30 days indicating the exempt status of Mill Creek and closing the docket. The order should provide that in the event of any change of circumstances or method of operation, Mill Creek Migrant Labor Camp Water System, or its successor(s) in interest should notify the Commission within thirty days of such change so that its exempt status may be reevaluated.

If any further information is needed, please contact me as soon as possible.

C/I:\WP\951235DR.RPR

~~APPLICATION FOR NON-REGULATED UTILITIES~~
SECTION 367.021(12), FLORIDA STATUTES
RULE 25-30.060(3)(j), FLORIDA ADMINISTRATIVE CODE

NAME OF SYSTEM: MILL CREEK MIGRANT LABOR CAMP WATER SYSTEM

PHYSICAL ADDRESS OF SYSTEM: 3900 29TH STREET, EAST
ELLENTON, FLORIDA 34222

MAILING ADDRESS (IF DIFFERENT): MILL CREEK FARMS
P.O. BOX 967
RUSKIN, FLORIDA 33570

COUNTY: HILLSBOROUGH

PRIMARY CONTACT PERSON:

NAME: JOAN E. SHEFFIELD

ADDRESS: P.O. BOX 967
RUSKIN, FLORIDA 33570

PHONE #: 813 645-3241

NAMES OF OWNER(S): DIMARE HOMESTEAD, INC.

NATURE OF APPLICANT'S BUSINESS ORGANIZATION: (CORPORATION,
PARTNERSHIP, SOLE PROPRIETOR, ETC.) CORPORATION

I believe this system to be exempt from the regulation of the Florida Public Service Commission pursuant to Section 367, Florida Statutes, for the following reasons:

1. There is no charge for providing utility service.
2. All costs of providing service are treated or recovered as operational expenses.
3. The utility services provided are:
Water YES (Yes or No) Wastewater NO (Yes or No)

For utility service not provided, state how handled:

SEPTIC TANK

4. The service territory is located at: _____

3900 29TH STREET, EAST - ELLENTON, FLORIDA

APPLICATION FOR NON-JURISDICTIONAL ENTITIES

I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in S. 775.082, S. 775.083, or S. 775.084.

12-11-95

(Date)

Anthony J. Dimare
Applicant's Signature

ANTHONY J. DIMARE

Applicant's Name (Typed or Printed)

TREASURER

Applicant's Title

When you finish filling out this application, the original and four copies should be mailed to:

**Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.**