MEMORANDUM

December 20, 1995

TO:

ALICE CROSBY, DIVISION OF LEGAL SERVICES

DIVISION OF RECORDS AND REPORTING

FROM:

CHRISTINE TOMLINSON, DIVISION OF WATER AND WASTEWATER

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 WATER SERVICE BY FREED ENTERPRISES, INC. D.B.A. THOR PRODUCTS.

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-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 December 4, 1995, Freed Enterprises, Inc. dba Thor Products (Freed Enterprises or wility) applied for a non-jurisdictional exemption from the Florida Public Service Commission regulation pursuant to Section 367.021(12), Florida Statutes. Mr. James Freed, owner and president of Freed Enterprises, was identified as the primary contact persons per the application. Mr. Freed's address is 8615 Bayshore Road #187, Palmetto, Florida 34221. The application was signed by Mr. Freed.

Freed Enterprises 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, physical and
mailing address of the system is 4803 U.S. 41 North, Palmetto, Florida 34221.

The applicant, operating as a corporation, 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 Freed Enterprises, Inc. dba Thor Products 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

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clear-cut and without controversy. Therefore, staff recommends that an administrative order be issued as soon as possible finding Freed Enterprises, Inc. dba Thor Products exempt from Commission regulation pursuant to Section 367.021(12), Florida Statutes. Staff also recommends that the order require Freed Enterprises, Inc. dba Thor Products 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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