



## Public Service Commission

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**DATE:** June 13, 1996  
**TO:** Alice Crosby, Division of Legal Services  
 Division of Records and Reporting  
**FROM:** Patricia Brady, Division of Water and Wastewater *pb BSM*  
**RE:** Docket No. 960317-WU, Request for exemption from Florida Public Service Commission regulation for provision of water service in DeSoto County by Dave's Mini Mart.

On March 11, 1996, an application for non-jurisdictional exemption from regulation by the Florida Public Service Commission was filed on behalf of the water well located at 36255 East State Road 70, Myakka City, Florida, by the owner, Mr. David T. Cavalier. After filing the application, Mr. Cavalier sold the convenience store to Mr. David Chiaramonte who has registered the convenience store with the Department of State under the fictitious name of Dave's Mini Mart (Mini Mart). The mailing address for the Mini Mart and the new owner is P.O. Box 7029, North Port, Florida 34287 (941/322-8500). The service territory for the well is the Mini Mart at 36255 East State Road 70, Myakka City, Florida 34251. This location is in DeSoto County.

The application was filed in accordance with Section 367.021(12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code. Mr. Cavalier has signed a statement that the Mini Mart provides water service without compensation and that all costs are recovered as operational expenses. Wastewater is handled by septic system. By signing the application Mr. Cavalier has 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.

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. Staff finds the application in compliance with statutory requirements and without apparent controversy. Staff therefore recommends that an administrative order be issued finding Dave's Mini Mart exempt from Commission regulation pursuant to Section 367.021(12), Florida Statutes.

Staff also recommends that the order require the current owner, or successors, of Dave's Mini Mart to notify the Commission within 30 days of any change in circumstances or method of operation of its water or wastewater systems so that the exempt status may be reevaluated. Since there is already a successor owner, in the abundance of caution staff has requested that the new owner also attest to the statements in the application. Once the statement is received and the order issued, staff recommends that this docket be closed.

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