

ORIGINAL

MEMORANDUM

November 12, 1997

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (JAGGER)  
RE: DOCKET NO. 961343-WS - PETITION BY SOUTHERN PINES  
HOMEOWNERS OF BONITA SPRINGS, INC. TO RESCIND EXEMPTION  
GRANTED TO BONITA SPRINGS UTILITIES IN LEE COUNTY.

---

Please file the attached letter dated October 23, 1997 in the  
docket file for the above-referenced docket.

RRJ/lw

Attachment

cc: Division of Water and Wastewater (Redemann)  
Southern Pines Homeowners of Bonita Springs

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
C/F \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG \_\_\_\_\_  
LPS \_\_\_\_\_  
C/S \_\_\_\_\_  
P/S \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
S/W \_\_\_\_\_  
D/W \_\_\_\_\_

DOCUMENT NUMBER-DATE

11602 NOV 12 97

FPSC-RECORDS/REPORTING

LAW OFFICES

ROSE, SUNDSTROM & BENTLEY, LLP

2548 BLAIRSTONE PINES DRIVE

TALLAHASSEE, FLORIDA 32301

(850) 877-6555

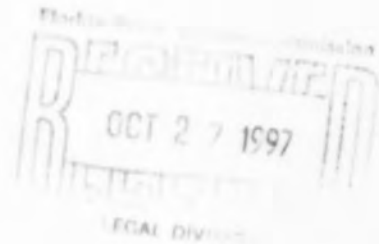
C. WIS H. BENTLEY, P.A.  
J. W. DETERING  
JAN L. DOSTER  
MARTIN S. FRIEDMAN, P.A.  
JOHN R. JENKINS, P.A.  
STEVEN T. MINDLIN, P.A.  
ROBERT M. C. ROSE  
DAREN L. SHIPPY  
WILLIAM E. SUNDSTROM, P.A.  
DAVID D. TREMOR, P.A.  
JOHN L. WHARTON

MAILING ADDRESS  
POST OFFICE BOX 1567  
TALLAHASSEE, FLORIDA 32302-1567

TELECOPIER (850) 856-4029

October 23, 1997

Ralph Jaeger, Esquire  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0873



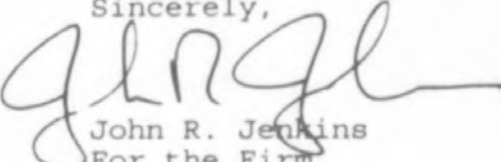
Re: Bonita Spring Utilities, Inc.  
Our File No. 20989.13

Dear Ralph:

Enclosed please find a blacklined copy of changes to Article V of the By-Laws of Bonita Springs Utilities, Inc. which reflects the amendment approved by the Company's Board of Directors on October 21, 1997. The Company's staff has been instructed to take such actions as are necessary to ensure the rights of all members are consistent with this policy.

Once you have had a chance to review this, please give me a call to discuss Commission action on this matter.

Sincerely,

  
John R. Jenkins  
For the Firm

JRJ:sn

Enclosure

cc: Mr. Fred Partin  
Dan Batchelor, Esquire

BONITA SPRINGS UTILITIES, INC.  
AMENDMENT TO BY-LAWS

ARTICLE V

MEMBERSHIP

SECTION 1: It is the intent of the Corporation to provide service solely to its members. The holders of membership certificates of, or accounts with, this Corporation are its members. Any person, as defined by Florida law, having reasonable access to the sources of and who is in need of water, sewer, or other services operated by the Corporation and who receives the approval of the Board of Directors, may be admitted to membership upon subscribing for or otherwise acquiring a membership certificate, or account, and by signing such agreements for service as may be provided or required by the Corporation; provided that no person otherwise eligible shall be permitted to subscribe for or acquire a membership certificate of, or account with, the Corporation if the capacity of the Corporation's water and/or sewer system is exhausted by the needs of its existing members. Service is first provided to a parcel of land based on proper application by the owner and admission to membership in the Corporation. Thereafter, persons not holding a direct ownership interest in the property including, but not limited to, tenants, lessees, sublessees, stockholders, members, parent or subsidiaries companies, limited partners, future interests not yet possessory, and others who receive service as a result of the owner's membership status cannot also be considered members unless the person occupies an individually metered premises, and accepts responsibility for service and payment obligations, in which case they shall be substituted as a member for the period of occupancy. There shall be no membership fee as such, provided that the Corporation may charge initial connection and other fees upon the issuance or acquisition of each membership certificate or account.

SECTION 3: At any meeting of the members of the Corporation, each member shall be entitled to only one vote upon each matter submitted to a vote, regardless of the number of certificates of membership held, or accounts in the name of the member, provided the member is in good standing for all accounts or certificates held.

SECTION 4: In case of the death of a member, or if a member ceases to be eligible for membership, or a member willfully fails to comply with the By-Laws, or Rules and Regulations of the Corporation, the Board of Directors may terminate his membership by resolution of the Board. A transfer by a member of all certificates held by, or accounts in the name of, such member shall terminate such member's membership. Any member whose membership is terminated for cause, other than ceasing to be eligible, may appeal the action of the Board of Directors to the members at their next regular or special meeting. Thereafter such member shall be reinstated by the issuance of a new membership certificate, or

[HIGHLIGHTED LANGUAGE IS TO BE ADDED;  
STRICKEN LANGUAGE IS TO BE DELETED]

reactivation of an member account, only upon such conditions as the Board of Directors may deem necessary or appropriate. Termination of such membership shall result in a disconnection of water and sewer service to the member. Termination shall not result in forfeiture of a member's entitlement to any patronage refund resulting from status as a member pursuant to Article XII of these By-Laws. However, any such refund shall have deducted from it any debt or obligation owed the Corporation by the member.

## ARTICLE XI

### BENEFITS AND DUTIES OF MEMBERS

SECTION 1: The Corporation will install, maintain and operate a main distribution pipe line or lines from the source of water supply and service lines from the main distribution pipe line or lines to the property line of each member qualifying for water service from the Corporation for each membership certificate held by such member, or account in the name of such member, at which points, designated as delivery points, meters to be purchased, installed, owned and maintained by the Corporation shall be placed. The Corporation will further install, maintain and operate a wastewater transmission system and appurtenant facilities to its treatment plant from the property line of each member qualifying for wastewater service, from the Corporation for each membership certificate held by such member, or account in the name of such member. The cost of the service lines to or from its main distribution, or transmission, line or lines, shall be paid by the Corporation. The Corporation will also purchase and install a cut-off valve to be owned and maintained by the Corporation and to be installed on some portion of the service line owned by the Corporation. The Corporation shall have the sole and exclusive right to use such cut-off valve to turn it on and off.

SECTION 2: Each member shall be entitled to purchase from the Corporation pursuant to such agreements as may from time to time be provided and required by the Corporation, such water for domestic, commercial, agricultural, industrial or other purposes as a member may desire, subject, however, to the provisions of the By-Laws, the Corporation's tariffs, and to such rules and regulations as may be prescribed by the Board of Directors. Each member shall be entitled to have delivered to him through a single service line for each membership certificate, or account in the name of the member, only such water as may be necessary to supply the needs of such member, including his family, business, agricultural, or industrial requirements. The water delivered through each service line shall be metered and the charges for such water shall be determined separately, irrespective of the number of service lines owned or used by a member.

[HIGHLIGHTED LANGUAGE IS TO BE ADDED;  
STRICKEN LANGUAGE IS TO BE DELETED]