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MEMORANDUM

May 15, 1995

FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *WAS*

RE: DOCKET NO. 941044-WS - RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY DECLARING CHARLOTTE COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES - REQUEST FOR EXEMPTION FOR PROVISION OF WATER AND WASTEWATER SERVICE BY ENGLEWOOD WATER DISTRICT.

*0605-FOF*

Attached is an Order Indicating the Exempt Status of Englewood Water District to be issued in the above referenced docket. (Number of Pages in Order - 3)

Attachment

cc: Division of Water and Wastewater (Tomlinson)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board	)	DOCKET NO. 941044-WS
of County Commissioners of	)	ORDER NO. PSC-95-0605-POF-WS
Charlotte County Declaring	)	ISSUED: May 16, 1995
Charlotte County Subject to the	)	
Provision of Chapter 367,	)	
Florida Statutes - Request for	)	
Exemption for Provision of Water	)	
and Wastewater Service by	)	
Englewood Water District.	)	

ORDER INDICATING EXEMPT STATUS  
OF ENGLEWOOD WATER DISTRICT

BY THE COMMISSION:

On November 14, 1994, Englewood Water District filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(2), Florida Statutes. Englewood Water District was established as a political subdivision pursuant to Chapter 59-931, Laws of Florida. Englewood Water District's system, which consists of seventy wells, and various water and wastewater treatment facilities, spans Charlotte and Sarasota counties. Englewood's headquarters are located at 201 Selma Avenue, Englewood, Florida 34223. Ms. Maureen A. Cronk, Administrative Assistant, filed the application on behalf of Englewood Water District. The primary contact person is Mr. James A. Elder, Administrator of Englewood's Board of Supervisors. Mr. Elder signed a statement authorizing Ms. Cronk to sign the application on behalf of Englewood.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water or wastewater systems if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.022(2), Florida Statutes, and Rule 25-30.060, Florida Administrative Code. Section 367.022(2), Florida Statutes, states that "[s]ystems owned, operated, managed, or controlled by governmental authorities" are exempt from Commission regulation.

Included with Englewood Water District's application was a statement that the system is owned, operated, managed, or controlled by Englewood; that it provides water and wastewater service; and that the service area is limited to those areas of Charlotte and Sarasota counties set forth in the legal description found in Section 1 of Chapter 59-931, Laws of Florida.

DOCUMENT NUMBER-DATE

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In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Ms. Cronk acknowledged that she is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

Based on the facts as represented, we find that Englewood Water District is exempt from our regulation pursuant to Section 367.022(6), Florida Statutes. However, should there be any change in circumstances or method of operation, a representative of Englewood Water District or any successors in interest, must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.

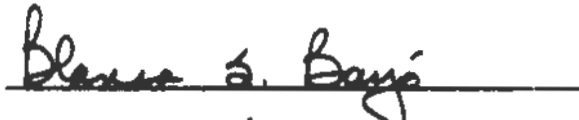
It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Englewood Water District, 201 Selma Avenue, Englewood, Florida 34223 is exempt from Commission regulation pursuant to the provisions of Section 367.022(2), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, a representative of Englewood Water District or any successors in interest, shall inform this Commission within 30 days of such a change so that we may reevaluate Englewood Water District's exempt status. It is further

ORDERED that this Docket shall remain open.

By ORDER of the Florida Public Service Commission, this 16th day of May, 1995.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )  
TV

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.