

MEMORANDUM

January 12, 1996

RECEIVED

JAN 19 1996

10:45

FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CROSBY) *LA*

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 COUNTY BY RIVERWOOD

0110-FOF

Attached is an Order Indicating the Exempt Status of Riverwood to be issued in the above referenced docket. (Number of Pages in Order - 3) (Document No. 941044S.ALC)

Attachment

cc: Division of Water and Wastewater
(Tomlinson)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of the Board) DOCKET NO. 941044-WS
of County Commissioners of) ORDER NO. PSC-96-0110-FOF-WS
Charlotte County Declaring) ISSUED: January 19, 1996
Charlotte County Subject to the)
Provisions of Chapter 367,)
Florida Statutes - Request For)
Exemption For Provision of Water)
and Wastewater Service by)
Riverwood.)
_____)

ORDER INDICATING EXEMPT STATUS
OF RIVERWOOD

BY THE COMMISSION:

On October 23, 1995, Riverwood filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(2), Florida Statutes. Riverwood is a political subdivision created under Chapter 190, Florida Statutes. It will own, operate and manage the water and wastewater systems located at the Riverwood Community Development District, 4100 Riverwood Drive, Port Charlotte, Florida. Mr. Gary L. Moyer, Manager and primary contact person, filed the application on behalf of Riverwood.

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 the application is a statement that the system is owned, operated, managed, or controlled by Riverwood; that it provides water and wastewater service; and that the service area is the Riverwood Community Development.

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, Mr. Moyer acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

DOCUMENT NUMBER DATE

00642 JAN 19 96

FPSC-REG. JURIS/REPORTING

ORDER NO. PSC-96-0110-FOF-WS
DOCKET NO. 941044-WS
PAGE 2

Based on the facts as represented, we find that Riverwood is exempt from our regulation pursuant to Section 367.022(2), Florida Statutes. However, it is put on notice that if there is any change in circumstance or method of operation, it should 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, Riverwood, 10300 Northwest 11 Manor, Coral Springs, Florida 33071, is exempt from Commission regulation pursuant to the provisions of Section 367.022(2), Florida Statutes. It is further

ORDERED that this docket shall remain open to process additional applications.

By ORDER of the Florida Public Service Commission, this 19th day of January, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

AJC

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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.