

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 951572-WS
from Florida Public Service) ORDER NO. PSC-96-0848-FOF-WS
Commission regulation for) ISSUED: July 2, 1996
provision of water and)
wastewater service in Lee County)
by Island Club at Corkscrew)
Woodlands Homeowners')
Association, Inc.)

ORDER INDICATING EXEMPT STATUS OF ISLAND CLUB AT CORKSCREW
WOODLANDS HOMEOWNERS' ASSOCIATION, INC., AND CLOSING DOCKET

BY THE COMMISSION:

On December 19, 1995, Island Club at Corkscrew Woodlands Homeowners Association, Inc., Phase I (Island Club) filed an application with this Commission for recognition of its exempt status, pursuant to Section 367.022(8), Florida Statutes. Island Club will be a 264-unit development upon completion of all phases, and is located at 21500 Corkscrew Woodlands Boulevard, Estero, Florida 33928. The mailing address is 3040 Del Prado Boulevard, Cape Coral, Florida 33904. The applicants and primary contact persons are Ronald L. Davis, President and co-developer, and David F. Davis, co-developer. Ronald L. Davis' mailing address is 3040 Del Prado Boulevard, Cape Coral, Florida 33904. David F. Davis' mailing address is 15780 Triple Crown Court, Fort Myers, Florida 33912.

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(8), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(h), Florida Administrative Code. Section 367.022(8), Florida Statutes, states, in part, that "[a]ny person who resells water or wastewater service at a rate or charge which does not exceed the actual purchase price thereof," and who complies with certain reporting requirements, is exempt from Commission regulation.

According to Island Club's application, the service area will be limited to Bahia Terrado Circle, Corkscrew Woodlands, Estero, Florida. Island Club plans to purchase water and wastewater service from Gulf Utility Company (Gulf) and resell these services to its residents at a rate that does not exceed the actual purchase price. There are no individual meters to be read. Island Club will bill the homeowners on a quarterly basis for water and wastewater service. A \$32.00 charge will be included in the homeowners' fee for water service (40%) and wastewater service

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(60%). Island Club will bill for service to common areas. No administrative or processing fees or miscellaneous charges will be charged to the residents and no deposits will be collected.

Island Club is aware of the requirements of Section 367.122, Florida Statutes, and Rules 25-30.111 and 25-30.262 through 25-30.267, Florida Administrative Code. 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 co-signing the application, Ronald L. Davis and David F. Davis acknowledged that they are 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 Island Club is exempt from our regulation pursuant to Section 367.022(8), Florida Statutes. However, the owners of Island Club or any successors in interest are put on notice that if there is any change in circumstances or method of operation, they should inform the Commission within thirty days of such change so that Island Club's exempt status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Island Club at Corkscrew Woodlands Homeowners Association, Inc., Phase I, 21500 Corkscrew Woodlands Boulevard, Estero, Florida 33928, is hereby exempt from Commission regulation pursuant to the provisions of Section 367.022(8), Florida Statutes. It is further

ORDERED that Docket No. 951572-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 2nd day of July, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kary Flynn
Chief, Bureau of Records

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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.