

State of Florida

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DIVISION OF WATER &
WASTEWATER
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Public Service Commission

ORIGINAL
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January 4, 1995

Mr. John Leonette
Rivers Edge Property Homeowners Assoc.
1601 Hunter Creek Drive
Punta Gorda, Florida 33982

RE: Docket No. ~~941044-WS~~ 941044-WS, Resolution of Board of Commissioners of Charlotte County declaring Charlotte County subject to provisions of Chapter 367, Florida Statutes.

Dear Mr. Leonette:

The purpose of this letter is to inform you of the deficiencies in the above-referenced application, Docket No. 941044-WS. It is imperative that the following deficiencies be corrected as soon as possible in order to avoid any further delay in the processing of your application.

- ACK _____
 - AFA _____
 - APP _____
 - CAF _____
 - CMU _____
 - CTR _____
 - EAG _____
 - LEG _____
 - LIN _____
 - OPC _____
 - RCH _____
 - SEC 1
 - WAS _____
 - OTH _____
1. By-Laws - Pursuant to Rule 25-30.060(g), Florida Administrative Code (F.A.C.), the By-Laws "... must clearly show the requirements for membership, ... [how] control of the corporation passes to the non-developer members. Control of the corporation must pass: i) at 51 percent ownership by the non-developer members or ii) at some greater percentage limited by a time period not to exceed 5 years from the date of incorporation." In order to comply with this Rule, the following Articles must be amended.
 - A. Articles need to specify under what circumstances the transfer of control is to happen and must be limited by a time period not to exceed 5 years, therefore Article III (1) of the By-laws must be amended.
 - B. Articles must clearly show the requirements for membership and the voting rights are one vote per unit of ownership.
 - C. To qualify for exemption pursuant to the above-mentioned Rule, Article II (A) and Article III must show that the corporation will

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provide service solely to members who own and control it. The corporation therefore cannot sell any water and/or wastewater service to tenants who are not members of the Association.

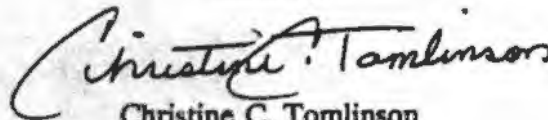
2. **Proof of Ownership** - You must file a copy of proof of ownership of the utility facilities and land upon which the facilities will be located. Examples of acceptable proof of ownership is a copy of a warranty deed, a 99 year lease, or a written easement.

In addition to these deficiencies, the following information is requested:

1. Documentation indicating the number of members presently being served.
2. The service area description must be more specific.

Please file an original and two copies of the requested information by **January 27, 1995**, to **Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399**. Also please be sure to reference the Docket Number, indicated at the top of this letter, on all future correspondence in order to ensure proper and timely processing. If you have any questions, please do not hesitate to contact me at (904) 488-8482.

Sincerely,




Christine C. Tomlinson
Regulatory Analyst

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cc: Division of Legal Services (Sager)
~~Division of Records and Reporting~~

Gateway
REAL ESTATE

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Becky Rothfuss
Community Association Manager