

Commissioners:

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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 487-2740

Public Service Commission

December 28, 1994

Ms. Rebecca E. Rothfus
Westchester Woods Condominium Association, Inc.
Post Office Box 758
Murdock, FL 33938

Re: Docket No. ~~941044-WS~~; Request for Exemption from Florida Public Service Commission regulation for provision of wastewater service in Charlotte County by Westchester Woods Condominium Association, Inc.

Dear Ms. Rothfus:

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 _____
- CMJ _____
- CTR _____
- EAC _____
- LEG _____
- LIN _____
- OFC _____
- ROH _____
- SEC T
- WAS _____
- OTH _____

1. Proof of Ownership - You state in your letter dated November 25, 1994, that the common areas and amenities are owned by the unit owners. Please provide a copy of the Declaration of Condominium which indicates that the utility is part of the common elements. Also, please provide a deed from an individual showing that the unit owner owns a percentage share of the common elements. An opinion of title should accompany the deed.

2. Articles of Incorporation and By-Laws - As required by Rule 25-30.060(3)(g) Florida Administrative Code (F.A.C.), your Articles of Incorporation as filed with the Secretary of State and your By-Laws must clearly show the circumstances under which control of the corporation passes to the non-developer members. Control of the corporation must pass: (1) at 51 percent ownership, by the non-developer members or, (2) at some greater percentage delimited by a time period not to exceed 5 years from the date of incorporation.


If the Association is currently 100% membership owned, please provide a statement indicating that the non-developer members have total control of the Association.

DOCUMENT NO
00449-95
1/13/95

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Please file an original and two copies of the requested information by January 6, 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) 487-2740.

Sincerely,



Tim Vaccaro
Senior Attorney

TV/jei

cc: Division of Records and Reporting
Division of Water and Wastewater (Edwards)