

MEMORANDUM

March 16, 1995

ORIGINAL
FILE COPY

TO: TIM VACARRO, DIVISION OF LEGAL SERVICES
~~DIVISION OF RECORDS AND REPORTING~~

FROM: CHRISTINE TOMLINSON, DIVISION OF WATER AND WASTEWATER *CT*

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 WASTEWATER SERVICE BY INDIGO ISLES MOBILE HOME PARK OWNERS ASSOCIATION, INC. *BSR*
gmm

On September 27, 1994, the Board of County Commissioners of Charlotte County adopted Resolution No. 94-195, pursuant to Section 367.171, Florida Statutes, declaring that as of September 27, 1994, the water and wastewater utilities in that County shall become subject to the provision of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. The resolution was acknowledged by this Commission on November 28, 1994, by Order No. PSC-94-1451-FOF-WS. Pursuant to Section 367.131, Florida Statutes, a utility subject to the jurisdiction of this Commission must obtain a certificate of authorization or an order recognizing the exempt status of the system.

ACK _____ On November 29, 1994, this Commission received an application
 AFA _____ from the Indigo Isles Mobile Home Park Owners Association, Inc.
 APP _____ (Indigo Isles or utility) for a nonprofit association exemption
 CAF _____ pursuant to Section 367.022(7), Florida Statutes, and Rules 25-
 CMU _____ 30.060(3)(g), Florida Administrative Code. The primary contact
 CTR _____ person for Indigo Isles is Mr. Jack Shinaver. The mailing address
 EAG _____ for the above contact person is 9181 Griggs Road #21, Englewood,
 LEG _____ Florida 34224. The mailing address and physical address for the
 _____ utility is 9181 Griggs Road #73, Englewood, Florida 34224. The
 _____ application was signed by Mr. James T. Carey, president of the
 _____ association.

LIN _____
 OPC _____ The application was filed in accordance with Section
 RCH _____ 367.022(7), Florida Statutes and Rules 25-30.060(1), (2), and
 SEC / _____ (3)(g), Florida Administrative Code. In addition, the applicant
 WAS _____ acknowledged Section 837.06, Florida Statutes, regarding false
 OTH _____ statements. Included with the application was a statement that
 _____ Indigo Isles is a nonprofit corporation, that it will provide
 _____ wastewater service solely to members who own and control it, that
 _____ Indigo Isles will do the billing for such service, and that the
 _____ service area is located at 9181 Griggs Road #73, Englewood, Florida
 _____ 34224. Also included with the application were the Articles of
 _____ Incorporation as filed with the Secretary of State and the Bylaws

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which documents clearly the requirements for membership, and that the members' voting rights are one vote per unit of ownership. The Bylaws do not show when control passes to the nondeveloper members because it is currently 100% membership owned and the developer is not involved. Further, the utility provided a warranty deed as proof of ownership of the utility facilities and the land upon which the facilities will be located.

Based on the above, an order should be issued within thirty days approving Indigo Isles Mobile Home Park Owners Association, Inc.'s application for exemption pursuant to Section 367.022(7), Florida Statutes, as a nonprofit corporation. In the event of any change of circumstances or method of operation of its wastewater system, Indigo Isles or successor(s) in interest, should be ordered to notify the Commission within thirty days of such change so that its exemption status may be reevaluated. In addition the docket should remain open to process other exemption requests for Charlotte County.

ct\wp\indigo.rec

NOX _____
AFA _____
APP _____
CAF _____
CMU _____
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EAG _____
LEG ✓ _____
LIN _____
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WAS *Yamduo* _____
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