

MEMORANDUM

March 21, 1995

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

FROM: CHRISTINE C. TOMLINSON, DIVISION OF WATER AND WASTEWATER *ccm*

RE: DOCKET NO. 941844-WB; 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 BY ENGLEWOOD WATER DISTRICT.

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-POF-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.

On November 14, 1994, this Commission received an application from Englewood Water District (Englewood or utility) for a governmental exemption pursuant to Section 367.022(2), Florida Statutes, and Rule 25-30.060(3)(b), Florida Administrative Codes. The primary contact person for Englewood is Mr. James A. Elder, Administrator. Englewood's mailing address is 201 Selma Avenue, Englewood, Florida 34223. The application was signed by Ms. Maureen A. Cronk, administrative assistant. A statement was signed by Mr. James Elder, authorizing Ms. Cronk to act on behalf of Englewood.

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The application was filed in accordance with Section 367.022(2), Florida Statutes, and Rules 25-30.060(3)(b), Florida Administrative Code. Included with the exemption application was a statement setting out the statutory and factual basis for the exemption. Englewood Water District was established as a political subdivision pursuant to Chapter 59-931, Laws of Florida. Englewood's Enabling Act was reviewed by Staff and outlines the duties, powers and responsibilities of the Englewood Water District.

According to Section 21.08(c)(14), Administrative Procedures Manual, staff has been given administrative authority to approve clear-cut or non-controversial requests for determination of exempt.

DOCUMENT NUMBER-DATE

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status. Staff recommends that an administrative order be issued as soon as possible finding Englewood exempt from Commission regulation pursuant to Section 367.022(2), Florida Statutes. Staff further recommends that the order require Englewood to notify this Commission in the event of any change of circumstances or method of operation of its water and/or wastewater system. Furthermore, staff recommends that this docket remain open to process other exemption request for Charlotte County.

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