



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: March 24, 1995
TO: Evonne Sager, Attorney, Division of Legal Services
 Division of Records and Reporting
FROM: J. Travis Coker, Regulatory Analyst, Division of Water & Wastewater *JTC amgkw*
RE: DOCKET NO. 941044-WS; RESOLUTION OF CHARLOTTE COUNTY
 SUBJECT TO PROVISIONS OF CHAPTER 367, F.S. - REQUEST FOR
 EXEMPTION FOR PROVISION OF WASTEWATER SERVICE BY
 PARADISE PARK CONDOMINIUM ASSOCIATION.

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.

On January 30, 1995, this Commission received an application from Paradise Park Condominium Association for a non-profit association exemption for water and wastewater service pursuant to Section 367.022(7), Florida Statutes. The primary contact person is Mr. Peter R. Bennett, Manager. The mailing address for the above contact person is 46900 Bermont Road, Punta Gorda, Florida 33982. The mailing address and physical address for the utility is identified by the same address.

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The application was filed in accordance with Section 367.022(7), Florida Statutes and Rules 25-30.060(1),(2), and (3)(g), Florida Administrative Code. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements. Included with the application was a statement that Paradise Park is a nonprofit corporation, that it will provide wastewater service solely to members who own and control it, that Paradise Park will do the billing for such service. Also included with the application were the Articles of Incorporation as filed with the Secretary of State and the Bylaws 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 non-developer members because it is currently 100% membership owned and the developer is not involved.

DOCUMENT NUMBER-DATE

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Based on the above, an order should be issued within thirty days approving Paradise Park Condominium Association'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, Paradise Park 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.

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