

BAR

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 413-6199

Public Service Commission

March 19, 1996

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NUMBER P 407 857 582**

Ms. Sarah Simpson
4107 97th Avenue East
Parrish, Florida 34219

Re: Docket No. 951235-WS

Dear Ms. Simpson:

In accordance with our telephone conversation of March 18, 1996, enclosed is a copy of my letter dated January 11, 1996, with attachments. Please complete the application for exemption and return it to this office as soon as possible.

If you have any questions or if we can be of assistance to you in any way, please call me at 904-413-6222.

ACK _____
AFA _____
APP _____
CAF _____

Sincerely,

CMU _____
CTR _____
EAG _____

Alice Crosby
Paralegal

LEG _____
LIN _____

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

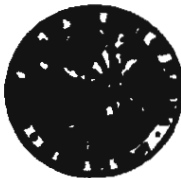
SEC _____

WWS _____

OTH _____

DOCUMENT NUMBER - DATE
03492 MAR 22 96
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Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 413-6199

Public Service Commission

January 11, 1996

Ms. Sarah Simpson
4107 97th Avenue East
Parrish, Florida 34219

Re: Docket No. 951235-WS

Dear Ms. Simpson:

With reference to our telephone conversation of January 4, 1996, the application you filed on December 4, 1995, indicates that although you do not charge for water service, you receive some money for the service. In order to qualify for exemption from Commission regulation pursuant to Section 367.021(12), Florida Statutes, service must be provided without compensation. Please complete the enclosed application and return it to this office as soon as possible.

Although you are not the owner of the utility, you are presently the operator. Therefore, the exemption will be given to you. When completing the application form, please put your name in the blank "Name of System."

If you have any questions or if we can be of service to you in any way, please call me at 904-413-6222.

Sincerely,



Alice Crosby
Paralegal

ALC:lb

Enclosure

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

Dkt # 951235-WS

REGULATORY AND FINANCIAL INFORMATION
SECTION 367.021(12), FLORIDA STATUTES
RULE 25-30.060(3)(j), FLORIDA ADMINISTRATIVE CODE

NAME OF SYSTEM: Valley Dale Home Owners Association, Inc.

PHYSICAL ADDRESS OF SYSTEM: Near corner of Highway 201 & 96th Avenue East, Parrish Florida

MAILING ADDRESS (IF DIFFERENT): 4107 97th Avenue, East Parrish, Florida 34219

COUNTY: Manatee

PRIMARY CONTACT PERSON:

NAME: Sarah Simpson

ADDRESS: 4107 97th Avenue East Parrish, Florida 34219

PHONE #: 941 776-1746

NAME(S) OF OWNER(S): Valley Dale Home Owners Association

NATURE OF APPLICANT'S BUSINESS ORGANIZATION: (CORPORATION, PARTNERSHIP, SOLE PROPRIETOR, ETC.)

I believe this system to be exempt from the regulation of the Florida Public Service Commission pursuant to Section 367, Florida Statutes, for the following reasons:

1. There is no charge for providing utility service, ~~but some~~
2. All costs of providing service are treated or recovered as operational expenses.
3. The utility services provided are:
Water Yes (Yes or No) Wastewater No (Yes or No)

For utility service not provided, state how handled:
Septic

4. The service territory is located at: _____

No billing, Parrish Utility DOCUMENT NUMBER-DATE

12107 DEC-48

APPLICATION FOR NON-JURISDICTIONAL ENTITIES

I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in S. 775.082, S. 775.083, or S. 775.084.

11/29/95
(Date)

Sarah Simpson
Applicant's Signature

Sarah Simpson
Applicant's Name (Typed or Printed)

President HomeCherish Association
Applicant's Title

When you finish filling out this application, the original and four copies should be mailed to:

**Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.**

APPLICATION FOR NON-JURISDICTIONAL ENTITIES
SECTION 367.021(12), FLORIDA STATUTES
RULE 25-30.060(3)(j), FLORIDA ADMINISTRATIVE CODE

NAME OF SYSTEM: _____

PHYSICAL ADDRESS OF SYSTEM: _____

MAILING ADDRESS (IF DIFFERENT): _____

COUNTY: _____

PRIMARY CONTACT PERSON:

NAME: _____

ADDRESS: _____

PHONE #: _____

NAMES OF OWNER(S): _____

NATURE OF APPLICANT'S BUSINESS ORGANIZATION: (CORPORATION,
PARTNERSHIP, SOLE PROPRIETOR, ETC.) _____

I believe this system to be exempt from the regulation of the Florida Public Service Commission pursuant to Section 367, Florida Statutes, for the following reasons:

1. There is no charge for providing utility service.
2. All costs of providing service are treated or recovered as operational expenses.
3. The utility services provided are:
Water _____ (Yes or No) Wastewater _____ (Yes or No)

For utility service not provided, state how handled:

4. The service territory is located at: _____

**RULE 28-30.060, F.A.C.
APPLICATION FOR EXEMPTION FROM REGULATION
OR NONJURISDICTIONAL FINDING**

(1) Each application for an exemption shall be filed in original and two copies, with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. Sample application forms may be obtained from the Division of Water and Wastewater, Bureau of Certification, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

(2) Each application for an exemption from regulation shall contain the following information:

- (a) The name of the system owner;
- (b) The physical address of the system;
- (c) The mailing address of the applicant, if different from the system address;
- (d) The name, address, and phone number of the primary contact person for the exemption request;
- (e) The nature of the applicant's business organization, e.g., corporation, partnership, limited partnership, sole proprietorship, association; and
- (f) A statement that the applicant is aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Each application must specifically state which type of exemption is being applied for and contain one of the following:

- (a) For an exemption pursuant to Section 367.022(1), Florida Statutes, a statement from the owner of the system that the system is used solely to provide bottled water and that water is not provided to customers through a water main or service pipe;
- (b) For an exemption pursuant to Section 367.022(2), Florida Statutes, a statement from the governmental authority specifying the statutory authority for the governmental authority; that the system is owned, operated, managed, or controlled by the governmental authority; stating whether it provides water service, wastewater service or both; and specifying the service area. The applicant shall describe with particularity the nature of the ownership, operation, management, and control of the system;

RULE 25-30.060, F.A.C., continued:

The applicant must provide proof of its ownership of the utility facilities and the land upon which the facilities will be located or other proof of its right to continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative;

- (h) For an exemption pursuant to Section 367.022(8), Florida Statutes, a statement from the reseller that service is provided at a rate or charge that does not exceed the actual purchase price; stating that the reseller is aware of the requirements of Rule 25-30.111, Florida Administrative Code; stating that the reseller is aware of the requirements of Section 367.122, Florida Statutes, and Rules 25-30.262, .263, .264, .265, .266 and .267, Florida Administrative Code, relating to examination and testing of meters; stating whether it provides water service, wastewater service or both; and specifying the service area. The reseller must also provide the name of the utility providing service to it and that utility's current rates and charges. The reseller must submit a schedule of all of its proposed rates and charges, an explanation of the proposed method of billing customers, separately, for both water and wastewater, and a schedule showing that the amount billed will not exceed the amount paid for water, wastewater, or both;
- (i) For an exemption pursuant to Section 367.022(9), Florida Statutes, a statement from the owner of the wastewater system that the system is primarily for the treatment of wastewater other than domestic wastewater, such as runoff and leachate from areas that receive pollutants associated with industrial or commercial storage, handling or processing; identifying the principal source or nature of such wastewater; and specifying the service area;
- (j) For a nonjurisdictional finding pursuant to Section 367.021(12), Florida Statutes, a statement from the system owner stating that it does not charge for providing utility service; specifying how operational costs of providing service are treated or recovered; stating whether it provides water service, wastewater service, or both; and specifying the service area.

Specific Authority: 367.121(1), F.S.

Law Implemented: 367.021(12), 367.022, 367.031, F.S.

History: New 1/5/92, Amended 11/30/93.

APPLICATION FOR NON-JURISDICTIONAL ENTITIES
SECTION 367.021(12), FLORIDA STATUTES
RULE 25-30.060(3)(j), FLORIDA ADMINISTRATIVE CODE

NAME OF SYSTEM: _____

PHYSICAL ADDRESS OF SYSTEM: _____

MAILING ADDRESS (IF DIFFERENT): _____

COUNTY: _____

PRIMARY CONTACT PERSON:

NAME: _____

ADDRESS: _____

PHONE #: _____

NAMES OF OWNER(S): _____

NATURE OF APPLICANT'S BUSINESS ORGANIZATION: (CORPORATION, PARTNERSHIP, SOLE PROPRIETOR, ETC.) _____

I believe this system to be exempt from the regulation of the Florida Public Service Commission pursuant to Section 367, Florida Statutes, for the following reasons:

1. There is no charge for providing utility service.
2. All costs of providing service are treated or recovered as operational expenses.
3. The utility services provided are:
Water _____ (Yes or No) Wastewater _____ (Yes or No)

For utility service not provided, state how handled:

4. The service territory is located at: _____

APPLICATION FOR NON-JURISDICTIONAL ENTITIES

I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in S. 775.082, S. 775.083, or S. 775.084.

(Date)

Applicant's Signature

Applicant's Name (Typed or Printed)

Applicant's Title

When you finish filling out this application, the original and four copies should be mailed to:

**Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.**

REGULATION 3

**RULE 28-30.060, F.A.C.
APPLICATION FOR EXEMPTION FROM REGULATION
OR NONJURISDICTIONAL FINDING**

(1) Each application for an exemption shall be filed in original and two copies, with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. Sample application forms may be obtained from the Division of Water and Wastewater, Bureau of Certification, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

(2) Each application for an exemption from regulation shall contain the following information:

- (a) The name of the system owner;
- (b) The physical address of the system;
- (c) The mailing address of the applicant, if different from the system address;
- (d) The name, address, and phone number of the primary contact person for the exemption request;
- (e) The nature of the applicant's business organization, e.g., corporation, partnership, limited partnership, sole proprietorship, association; and
- (f) A statement that the applicant is aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Each application must specifically state which type of exemption is being applied for and contain one of the following:

- (a) For an exemption pursuant to Section 367.022(1), Florida Statutes, a statement from the owner of the system that the system is used solely to provide bottled water and that water is not provided to customers through a water main or service pipe;
- (b) For an exemption pursuant to Section 367.022(2), Florida Statutes, a statement from the governmental authority specifying the statutory authority for the governmental authority; that the system is owned, operated, managed, or controlled by the governmental authority; stating whether it provides water service, wastewater service or both; and specifying the service area. The applicant shall describe with particularity the nature of the ownership, operation, management, and control of the system;

RULE 25-30.060, F.A.C., continued:

- (c) For an exemption pursuant to Section 367.022(3), Florida Statutes, a statement from the manufacturer that service is provided solely in connection with its operations; stating whether it provides water service, wastewater service or both; and specifying the service area;
- (d) For an exemption pursuant to Section 367.022(4), Florida Statutes, a statement from the public lodging establishment that service is provided solely in connection with service to its guests; stating whether it provides water service, wastewater service or both; and specifying the service area;
- (e) For an exemption pursuant to Section 367.022(5), Florida Statutes, a statement from the landlord that it provides service solely to tenants; that charges for service are non-specifically contained in rental charges; stating whether it provides water service, wastewater service or both; and specifying the service area. A copy of the landlord's most recent version of a standard lease or rental agreement, shall be submitted with the application;
- (f) For an exemption pursuant to Section 367.022(6), Florida Statutes, a statement from the owner of the system that the system has or will have the capacity to serve 100 or fewer persons; stating whether it provides water service, wastewater service or both; and specifying the service area. The applicant shall submit documentation verifying the capacity of the system(s). For a wastewater system, the capacity of both the treatment and disposal facilities shall be documented;
- (g) For an exemption pursuant to Section 367.022(7), Florida Statutes, a statement from the corporation, association, or cooperative that it is nonprofit; that it provides service solely to members who own and control it; stating whether it provides water service, wastewater service or both; specifying who will do the billing for such service; and specifying the service area. The applicant must submit its articles of incorporation as filed with the Secretary of State and its bylaws, which documents must clearly show the requirements for membership, that the members' voting rights are one vote per unit of ownership, and 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.

RULE 25-30.060, F.A.C., continued:

The applicant must provide proof of its ownership of the utility facilities and the land upon which the facilities will be located or other proof of its right to continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative;

- (h) For an exemption pursuant to Section 367.022(8), Florida Statutes, a statement from the reseller that service is provided at a rate or charge that does not exceed the actual purchase price; stating that the reseller is aware of the requirements of Rule 25-30.111, Florida Administrative Code; stating that the reseller is aware of the requirements of Section 367.122, Florida Statutes, and Rules 25-30.262, .263, .264, .265, .266 and .267, Florida Administrative Code, relating to examination and testing of meters; stating whether it provides water service, wastewater service or both; and specifying the service area. The reseller must also provide the name of the utility providing service to it and that utility's current rates and charges. The reseller must submit a schedule of all of its proposed rates and charges, an explanation of the proposed method of billing customers, separately, for both water and wastewater, and a schedule showing that the amount billed will not exceed the amount paid for water, wastewater, or both;
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Specific Authority: 367.121(1), F.S.

Law Implemented: 367.021(12), 367.022, 367.031, F.S.

History: New 1/5/92, Amended 11/30/93.