

ORIGINAL

MEMORANDUM

November 13, 1997

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CROSBY) *MAZ*  
 DIVISION OF WATER AND WASTEWATER (GOLDEN) *WJW*

RE: DOCKET NO. 951235-WS - RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY DECLARING MANATEE COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES - REQUEST FOR EXEMPTION FROM FLORIDA PUBLIC SERVICE COMMISSION REGULATION FOR PROVISION OF WATER AND WASTEWATER SERVICE BY PARADISE BAY ESTATES, INC.

On December 11, 1995, Paradise Bay Estates, Inc. filed an application for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. However, Paradise Bay Estates, Inc. was unable to qualify for exemption because the system provided service to other than members. After further review and discussions with officers of the corporation, it was determined that Paradise Bay Estates, Inc. does not own or operate a water or wastewater system. Service is provided to the development by Manatee County.

By letter dated October 27, 1997 (attached), Scott E. Gordon, Abel, Band, Russell, Collier, Pitchford & Gordon, attorneys for Paradise Bay Estates, Inc., advised this Commission that Paradise Bay Estates, Inc. does not own or operate a water or wastewater system. Water and wastewater service is purchased from Manatee County and resold to the customers. The cost is included in the monthly fees and rent. That letter also stated that Paradise Bay Estates, Inc. wishes to withdraw its application.

ACK \_\_\_\_\_  
 AFA \_\_\_\_\_  
 ADP \_\_\_\_\_  
 GJ \_\_\_\_\_  
 JH \_\_\_\_\_  
 JN \_\_\_\_\_  
 JQ \_\_\_\_\_  
 JR \_\_\_\_\_  
 JS \_\_\_\_\_  
 JT \_\_\_\_\_  
 JW \_\_\_\_\_  
 OTH \_\_\_\_\_

On November 4, 1997, Legal staff contacted Mr. Gordon and asked for a clarification of the October 27 letter because the letter did not clearly state that the cost to the customers was no greater than the price paid to Manatee County for the service. By letter dated November 6, 1997 (attached), Mr. Gordon advised the Commission that the cost of the service to the customers is provided at a cost which does not exceed the purchase price.

Upon joint recommendation of the OPR Division and the Division of Legal Services, Section 2.07(C)(6)(d) of the Administrative Procedures Manual grants the Division of Records and Reporting the authority to administratively close dockets in which

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Division of Records and Reporting

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the application seeks to withdraw its initial pleading. However, because this docket must remain open to process additional applications, Staff recommends that only the file involving Paradise Bay Estates, Inc. be closed. There are no pending issues that need to be addressed by the Commission regarding this filing, there is no filing fee involved, and no agency action needs to be taken.

alc

Attachments

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Please refer to our file number:

Writer's direct line:

Reply to:  
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Venice

November 6, 1997

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Attn: Ms. Alice Crosby

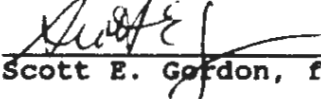
Re: Paradise Bay Estates, Inc. - Docket No. 95125-WS

Dear Ms. Crosby:

As a follow up to our telephone conference on November 4th, 1997, please be advised that Paradise Bay does not make a profit on the service purchase from Manatee County and then provided to its members and renters. The cost of service is included in the monthly maintenance fees and rent and the members and renters are not charged any additional amounts.

Please contact me if you need any additional clarification.

Very truly yours,  
ABEL, BAND, RUSSELL, COLLIER,  
PITCHFORD & GORDON, CHARTERED

  
\_\_\_\_\_  
Scott E. Gordon, for the Firm

SEG:dd

cc: Paradise Bay Estates, Inc.

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Please refer to our file number:

Writer's direct line:

Reply to:

October 27, 1997

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Attn: Ms. Alice Crosby

Re: Paradise Bay Estates, Inc. - Docket No.  
95125-WS

Dear Ms. Crosby:

Mr. Lloyd Hartman has provided me with a copy of your letter to him of October 1, 1997.

Your understanding that Paradise Bay does not operate own or operate a water or wastewater system is correct. Service is purchased from Manatee County as a bulk customer and provided to the members and renters by inclusion of the cost in the monthly maintenance fees and rent.

You have advised that Paradise Bay would not qualify for an exemption from the Florida Public Service Commission Regulation of Water and Wasterwater Services inasmuch as it provides services to individuals other than its shareholders. I would assume that the exemption would be of use to Paradise Bay if they actually owned and operated a water or wastewater system. If such is the case, it would appear that the withdrawal of this application for exemption would not detrimentally affect Paradise Bay Estates, Inc. Accordingly, please be advised that Paradise Bay Estates, Inc. hereby withdraws its application for such exemption.

Florida Public Service Commission  
October 28, 1997  
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Please contact me if you have any questions. Many thanks for your  
courtesy and cooperation.

Very truly yours,

ABEL, BAND, RUSSELL, COLLIER,  
PITCHFORD & GORDON, CHARTERED

  
\_\_\_\_\_  
Scott E. Gordon, for the Firm

SEG/kk  
cc: Paradise Bay Estates, Inc.  
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