

MEMORANDUM

March 23, 1995

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1:35  
PSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *[Signature]*

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  
ALLIGATOR PARK.

*0423-FOF*

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Attached is an Order Indicating Exempt Status of Alligator Park to be issued in the above-referenced Docket. (Number of Pages in Order - 3)

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Attachment

cc: Division of Water and Wastewater (Coker)

I:941044-E.tv

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of Charlotte ) DOCKET NO. 941044-WS  
County Subject to provisions of ) ORDER NO. PSC-95-0423-FOF-WS  
Chapter 367, F.S. - Request for ) ISSUED: March 28, 1995  
Exemption for provision of Water )  
and Wastewater Service by )  
Alligator Park. )  
\_\_\_\_\_ )

ORDER INDICATING EXEMPT STATUS OF ALLIGATOR PARK

BY THE COMMISSION:

On November 17, 1994, Alligator Park filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. Alligator Park is a sole proprietorship operating as a rental property business, located at 6400 Taylor Road, Punta Gorda, Florida 33950. Mr. Sam N. Curcurn, the president of Alligator Park, filed the application on behalf of Alligator Park. Mr. Gregory Ilkow is the primary contact person for Alligator Park. Mr. Ilkow's address is 260 Hernando Avenue, Port Charlotte, Florida 33952.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.022(5), Florida Statutes, and Rule 25-30.060(3)(e), Florida Administrative Code.

Section 367.022(5), Florida Statutes, states that an entity qualifies for exemption from Commission regulation if it provides service solely to its tenants, and there are no specific charges for the utility service. The application indicates that Alligator Park provides water and wastewater service only to its tenants and the service territory is limited to the property located at 6400 Taylor Road, Punta Gorda, Florida 33950. Also, the water and wastewater services are included as a nonspecific portion of the monthly rent.

In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Curcurn acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

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Based upon the facts as represented, we find that Alligator Park is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. However, should there be any change in circumstances or method of operation, the owner of Alligator Park or any successor in interest must inform the Commission within 30 days of such change so that its exempt status may be reevaluated.


It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Alligator Park, 6400 Taylor Road, Punta Gorda, Florida 33950, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes. It is further

ORDERED that should there be any change in circumstances or method of operation, the owner of Alligator Park or any successors in interest, shall inform this Commission with'in 30 days of such a change so that we may reevaluate Alligator Park's exempt status. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 28th day of March, 1995.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.