

MEMORANDUM

December 21, 1994

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TO : ALICE CROSBY, DIVISION OF LEGAL SERVICES
~~DIVISION OF RECORDS AND REPORTING~~

FROM: *HR* RICHARD REDEMANN, DIVISION OF WATER AND WASTEWATER *6/5/95 gmw*

RE : DOCKET NO. 941044-WS; RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY DECLARING CHARLOTTE COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, F.S. - REQUEST FOR EXEMPTION FOR WATER SERVICE BY MURDOCK CHRISTIAN CHURCH.

On September 27, 1994, the Charlotte County Board of County Commissioners adopted Resolution No. 94-195, pursuant to Section 367.171, Florida Statutes, declaring the privately owned water and wastewater utilities in Charlotte County subject to the provisions of Chapter 367, Florida Statutes, effective September 27, 1994. The Florida Public Service Commission received Charlotte County's resolution on September 30, 1994. The effect of the resolution is to invoke Public Service Commission jurisdiction over privately owned water and wastewater systems in Charlotte County. Pursuant to Section 367.031, Florida Statutes, all utilities subject to the Commission's jurisdiction must obtain either a certificate to provide water and wastewater service or an order recognizing the exempt status of the system.

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On November 21, 1994, Murdock Christian Church (Murdock) applied for an exemption for a water facility from the Florida Public Service Commission under Section 367.021 (12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code a non-jurisdictional entity. That application did not have the correct authorization. On December 15, 1994 the application was refiled with the correct authorization. The location of the water system is at 17500 Elmwood, Port Charlotte, FL 33948. The mailing address is the same. Mr. Ralph E. Younce, Assistant Water Supervisor, signed the application and is the contact person. Mr. M. Ralph Fisher is the Minister of Murdock Christian Church and he authorized Mr. Richard Younce to sign the application on behalf of Murdock Christian Church.

In its application, Murdock states it provides water service only, there is no charge for providing utility service, all costs of providing service are treated or recovered as operational expenses and the service area was specified above. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

DOCUMENT NUMBER-DATE

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Based upon the facts presented herein, staff believes Murdock Christian Church is exempt for water service as defined by Section 367.021(12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code. Section 2.08(C)(14) of the Administrative Procedures Manual (APM) gives staff the administrative authority to approve requests for determination of exempt status that are clear-cut and without controversy. Staff recommends that an administrative order be issued within 30 days indicating the exempt status of Murdock and closing the docket. The order should provide that in the event of any change of circumstances or method of operation, Murdock, or its successor(s) in interest should notify the Commission within thirty days of such change so that its exempt status may be reevaluated.

If any further information is needed, please contact me as soon as possible.

cc: Travis Coker

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