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MEMORANDUM

December 29, 1994

TO: **MARC NASH, DIVISION OF LEGAL SERVICES**
DIVISION OF RECORDS AND REPORTING

FROM: **CHRISTINE TOMLINSON, DIVISION OF WATER AND WASTEWATER** *ASm*

RE: **DOCKET NO. 941044-WS; RESOLUTION OF BOARD OF COMMISSIONER OF CHARLOTTE COUNTY DECLARING CHARLOTTE COUNTY SUBJECT TO PROVISIONS OF CHAPTER 367, FLORIDA STATUTES.**

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 November 21, 1994, this Commission received an application from Shell Creek Park Campground (Shell Creek or utility) for a landlord-tenant exemption pursuant to Section 367.021(5), Florida Statutes. The primary contact person for Shell Creek is Mr. Stanley M. Rose, president. The mailing address for the above contact person is 35711 Washington Loop Road, Punta Gorda, Florida 33982. The mailing address and physical address for the utility is the same as the above address. Shell Creek, located in Charlotte County, will provide water and wastewater service solely to its tenants.

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The applicant, operating as a corporation, has filed in accordance with Section 367.021(5), Florida Statutes, and Rule 25-30.060(e), Florida Administrative Code, and has acknowledged Section 837.06, Florida Statutes, regarding false statements. A copy of the landlord's most recent version of a standard lease was included with the application. A statement that there are no additional charges for water and wastewater; charges for this service are non-specifically contained in rental charges; and the service territory is limited to the Shell Creek was included in the application. Based on the information provided, it is the recommendation of staff that Shell Creek be granted a certificate of exemption pursuant to Section 367.021(5), Florida Statutes.

Section 2.08(c)(14) of the Administrative Procedures Manual grants staff the administrative authority to approve requests for determination of exempt status that are clear-cut and without

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controversy. Therefore, staff recommends that an administrative order be issued as soon as possible finding Shell Creek exempt from Commission regulation pursuant to Section 367.021(5), Florida Statutes. Staff also recommends that the order require Shell Creek to notify the Commission within 30 days of any change in circumstances or method of operation of its water system so that its exempt status may be reevaluated. Furthermore, staff recommends that this docket be closed.

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