

State of Florida

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DIVISION OF WATER &  
WASTEWATER  
CHARLES HILL  
DIRECTOR  
(904) 488-8482

ORIGINAL  
FILE COPY

Public Service Commission

January 4, 1995

Mr. Jesse W. Hill  
Mary Lu Homeowners Assoc., Inc.  
24437 Harborview Road, Box 222  
Charlotte Harbor, Florida 33980

RE: Docket No. ~~941044-WS~~ Resolution of Board of Commissioners of Charlotte County declaring Charlotte County subject to provisions of Chapter 367, Florida Statutes.

Dear Mr. Hill:

The purpose of this letter is to inform you of the deficiencies in the above-referenced application, Docket No. 941044-WS. It is imperative that the following deficiencies be corrected as soon as possible in order to avoid any further delay in the processing of your application.

1. Proof of Ownership - You must file a copy of proof of ownership of the utility facilities and land upon which the facilities will be located. Examples of acceptable proof of ownership is a copy of a warranty deed, a 99 year lease, or a written easement.

Articles of Incorporation and Bylaws - As required by Rule 25-30.060(3)(g), Florida Administrative Code (F.A.C.), your articles of incorporation as filed with the Secretary of State and your bylaws 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. If the Association is currently 100% membership owned, please provide a statement indicating that the non-developer members have total control of the Association.

In order to qualify for exemption pursuant to Rule 25-30.060(3)(g), F.A.C. service must be to members only. Article IX(b)(2) of the Bylaws make

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- CAF \_\_\_\_\_
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- EAD \_\_\_\_\_
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- FRP \_\_\_\_\_
- SIR \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER  
00189 JAN-56  
FPSC-RECORDS/REPORTING

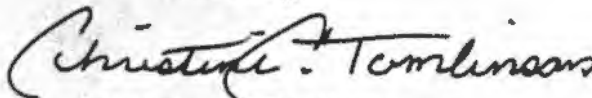
reference to "Non-membership account records . . . , amount of rents applicable . . ." Please explain.

Also, please submit an official copy of the Articles of Incorporation as filed with the Secretary of State. The copy which was submitted with the application was not notarized and did not show the official stamp as filed with the Secretary of State.

3. Nature of Business - Pursuant to Rule 25-30.060(2)(e), F.A.C, please indicate the nature of the applicant's business organization (i.e. corporation, partnership, sole proprietor, etc.).

Please file an original and two copies of the requested information by January 27, 1995, to Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399. Also please be sure to reference the Docket Number, indicated at the top of this letter, on all future correspondence in order to ensure proper and timely processing. If you have any questions, please do not hesitate to contact me at (904) 488-8482.

Sincerely,



Christine C. Tomlinson  
Regulatory Analyst

cct\wp\marylu.ltr

cc: Division of Legal Services (Crosby)  
Division of Records and Reporting