

State of Florida

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

Public Service Commission

January 9, 1995

Mr. Joseph W. Gaynor, Esq.
Suite 2120
100 North Tampa
Tampa, Florida 33602

RE: Docket No. 94104-WS, Request for exemption from Florida Public Service Commission regulation for provision of water and wastewater service in Charlotte County by BURNT STORE COLONY R.O. ASSOCIATION.

Dear Mr. Gaynor,

Per our conference call on Wednesday, January 4, 1995, this letter serves as a follow-up for additional information needed in order to qualify for an exemption pursuant to Section 367.022(7), Florida Statutes. Please provide the following information:

- 1. Exhibit C - Commercial Property - Is Burnt Store currently serving this tract of land? If so, are the owners of this land members of the Association? If Burnt Store is not currently serving this commercial property, do you plan to serve this tract of land in the future? If so, will the owners become members of the Association?
- 2. Exhibit B - Permitted Exceptions - Please provide explanations for Number 9 regarding "matters" shown on the survey prepared by ABS & Associates, Inc..... and additionally please provide an explanation for Number 10 regarding Riparian and littoral rights, rights of reliction, of accretion, or any other water rights whatsoever.
- 3. Prospectus - Page 6 - Number 1 (b) - refers to the cooperative parcel upon which a member's mobile home is located or a rental parcel upon which a nonmember's mobile home is located...
- Number 2 - states the cooperative plans to sell all of the units of the cooperative through the issuance of membership certificates ...There will be annual leases of the units represented by unsold membership certificates in

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Page Two
January 9, 1995
Mr. Gaynor

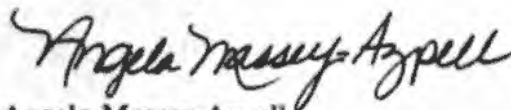
the cooperative to tenants who are not members of the cooperative but reside on the property, under Chapter 723, Florida Statutes (The Florida Mobile Home Act).

Throughout the Prospectus nonmembers are referenced. Section 367.022(7), Florida Statutes, clearly defines the qualifications required for a non-profit exemption. One of the most specific qualifications outlined in Section 367.022(7), Florida Statutes, is the utility will serve members who own and control it. Therefore, please provide the following information relating to this matter:

1. If a person owns the lot and the rentor is renting the space/lot, who is the customer? the owner or the rentor?
2. What is the tenant paying? Do they pay a lump-sum rental amount? Do they pay for water and wastewater service?
3. How does Burnt Store charge for water and wastewater service? Are these charges a part of the Association Dues/Annual Membership Fees or is it a separate fee?
4. Staff notes from your last correspondence that the Bylaws are in the process of being filed with the Clerk of the Court of Charlotte County. Upon completion of this process, please forward a copy to this office.

It is the intention of the Florida Public Service Commission to expedite requests for exemptions. The above additional information must be provided in order to complete the non-profit exemption pursuant to Section 367.022(7), Florida Statutes. Therefore, please submit the original and two copies of the above requested information by January 27, 1995, to the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida, 32399-0850. If you have any additional questions, please do not hesitate to contact me at (904) 488-8482.

Sincerely,



Angela Massey-Azpell
Staff Assistant

cc: Charles H. Hill, Director, Division of Water & Wastewater
Tim Vaccaro, Division of Legal Services
Division of Records and Reporting