

INDICIA

MEMORANDUM

January 19, 1995

ORIGINAL  
FILE COPY

TO : DIVISION OF LEGAL SERVICES (SAGER)  
~~DIVISION OF RECORDS AND REPORTING~~

FROM: DIVISION OF WATER AND WASTEWATER (EDWARDS) *[Signature]*

RE : DOCKET NO. 941044-SU; RESOLUTION OF BOARD OF COMMISSIONERS OF CHARLOTTE COUNTY DECLARING CHARLOTTE COUNTY SUBJECT TO PROVISIONS OF CHAPTER 367, F.S. - REQUEST FOR EXEMPTION FOR PROVISION OF WASTEWATER SERVICE BY EL GALEON UTILITY CO. INC.

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In accordance with Chapter 367.031, Florida Statutes (F.S.), "Each utility subject to the jurisdiction of the commission must obtain from the commission a certificate of authorization to provide water or wastewater service or an order recognizing that the system is exempt from regulation as provides by s. 367.022." On November 11, 1994, El Galeon Utility Co., Inc. (El Galeon or applicant), applied for an exemption for a wastewater facility from the Florida Public Service Commission under Section 367.022 (6), F.S., a small system exemption. The applicant's physical address and mailing address is 1770 Gulf Blvd. Englewood, Florida, 34223. Ms. Johanna De Palma is the president and primary contact person. Ms. De Palma's mailing address is 1765 Gulf Blvd., Englewood, Florida, 34223.

ACK \_\_\_\_\_

AAA \_\_\_\_\_

APP \_\_\_\_\_

CAF \_\_\_\_\_

CMU \_\_\_\_\_

CTR \_\_\_\_\_

EAG \_\_\_\_\_

LEG \_\_\_\_\_

LN \_\_\_\_\_

Wastewater service will be provided solely to El Galeon Condominium Association and San Piper Cove Condominium tenants. El Galeon provided a copy of the Department of Environment Protection's (DEP) operation permit. The DEP letter of authorization stated that the applicant's wastewater treatment system is capable of handling 0.0095 MGD (annual average daily flow). El Galeon stated, in the application, that its wastewater treatment system has the capacity to serve one hundred (100) or fewer persons as defined in Rule 25-30.053, Florida Administrative Code. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

CCC \_\_\_\_\_

RCH \_\_\_\_\_

SEC \_\_\_\_\_

WAS \_\_\_\_\_

OTH \_\_\_\_\_

Based upon the facts presented herein, staff believes El Galeon Utility Co., Inc.'s water system is exempt as defined by Section 367.022(6), F.S., and Rule 25-30.060(3)(f), 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. Since the applicant needs this exemption order to continue to obtain its Department of Environmental Protection permit, we request that an administrative

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FPSC-RECORDS/REPORTING

DOCKET NO. 941044-SU  
January 19, 1995

order be issued as soon as possible indicating the exempt status of El Galeon Utility Co., Inc. for wastewater service. The order should provide that in the event of any change of circumstances or method of operation, El Galeon Utility Co., Inc., or its successor(s) in interest should notify the Commission within thirty days of such change so that its exempt status may be reevaluated.

cc: Chuck H. Hill