

State of Florida

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

Public Service Commission

January 31, 1995

ORIGINAL  
FILE COPY

Mr. Jack Handler  
Landings on Lemon Bay POA  
Unit C 202  
2424 Placida Rd.  
Englewood, FL 34224-5448

RE: Docket No. ~~941014~~ WS: 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  
services by Landings on Lemon Bay POA.

Dear Mr. Handler:

We have reviewed your application for a non-profit exemption and determined that  
in order to grant Landings on Lemon Bay POA an exemption pursuant to Section  
367.022(7), Florida Statutes, as a non-profit organization, the following deficiencies must be  
corrected:

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- ACK \_\_\_\_\_ 1.
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- F
- REG \_\_\_\_\_
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The application did not contain proof of ownership of the utility facilities and  
the land upon which the facilities will be located or other proof of its right to  
continued use of the land, as required by Rule 25-30.060(3)(g), Florida  
Administrative Code. We request that you file proof of ownership pursuant  
to the above rule. Sufficient proof of ownership is in the form of a warranty  
deed, or a long term lease, showing the right to continued use of the land.  
If you are unable to locate a deed, we will accept a deed from an individual  
unit showing that the unit owner owns a percentage of share of the common  
elements combined with the Declaration of Condominium which indicates that  
the utility is a part of the common elements.

Rule 25-30.060(3)(g), Florida Administrative Code, states, "For an exemption  
pursuant to Section 367.022(7), Florida Statutes, .... The applicant must  
submit its Articles of Incorporation as filed with the Secretary of State, and  
its Bylaws, which documents must clearly show the circumstances under which  
control of the corporation passes to the non-developer members. Control of

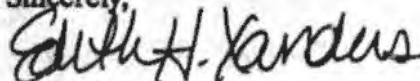
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FPSC-RECORDS/REPORTING

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."

In addition, please provide a complete copy of the Declaration of Condominium and a statement as to how water service is provided.

It is the intention of the Florida Public Service Commission to expedite requests for exemptions. The above deficiencies must be corrected in order for us 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 February 28, 1995, to Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida, 32399-0850. Please refer to Docket No. 941044-WS on your response. If you have any additional questions, please do not hesitate to contact Clay Zhang at (904)488-8482.

Sincerely,



Edith H. Xanders  
Regulatory Analyst

cc: Charles H. Hill, Director, Division of Water and Wastewater  
Division of Legal Services (Edmonds)  
~~Division of Records and Reporting~~