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

Public Service Commission

March 1, 1995

Mr. Richard E. Sullivan
1401 S. MC Call Rd.
Unit 107-B
Englewood, FL 34223

RE: Docket No. 941044 - 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 service by Lemon Bay Breezes Condominium Association, Inc.

Dear Mr. Sullivan:

By letter dated January 12, 1995, we informed you that your application for non-jurisdictional entity is incorrectly filed. We requested that the utility file an application for exemption pursuant to Section 367.022 (7), Florida Statutes by February 6, 1995. Specifically, we believed that Lemon Bay Breezes Condominium Association, Inc. may not qualify for non-jurisdictional finding pursuant to Section 367.021(12), Florida Statutes and Rule 25-30.060(j), Florida Administrative Code, because the monthly fees for wastewater services are included in the maintenance fee.

To date, the documentation requested in our February 12, 1995 letter has not been filed. Enclosed is an application form for non-profit association exemption pursuant to Section 367.022(7), Florida Statutes and Rule 25-30.060(3)(g), Florida Administrative Code. After you finish filling out the application, you need to file the original and two copies of the application and three copies of Articles of Incorporation as filed with the Secretary of State and the Bylaws. These documents should 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. In addition to the Articles of Incorporation and Bylaws, please submit three copies of proof of ownership of the utility facilities and the land on which the facilities will be located, such as a warranty deed, a 99 year lease, or a written easement.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RC4 _____
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE

02384 MAR-2 1995

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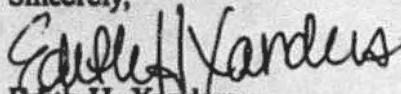
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FPSC-RECORDS/REPORTING

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Please complete the appropriate exemption application by March 28, 1995. If you have any questions, please feel free to contact Clay Zhang at (904) 488-8482.

Sincerely,



Edith H. Xanders
Regulatory Analyst

Enclosures

CC: Division of Water and Wastewater (Hill, Zhang)
Division of Legal Services (Alice Crosby)
~~Division of Records and Reporting~~