

MEMORANDUM

March 27, 1995

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FPSC-RECORDS/REPORTING

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TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (EDMONDS) *Q*
RE: DOCKET NO. 941044-WS - RESOLUTION OF BOARD OF COMMISSIONERS OF CHARLOTTE COUNTY DECLARING CHARLOTTE COUNTY SUBJECT TO PROVISIONS OF CHAPTER 367, FLORIDA STATUTES - REQUEST FOR EXEMPTION FOR PROVISION OF WATER AND WASTEWATER SERVICE BY EL JOBEAN WATER ASSOCIATION, INC.

Please file the attached letter in the above-referenced docket.

SKE/dp

Attachment

cc: Division of Water and Wastewater (Coker)

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SE 1 _____
- W/S _____
- OT _____

DOCUMENT NUMBER-DATE
03246 MAR 28 8
FPSC-RECORDS/REPORTING

LAW OFFICES
ROSE, SUNDBSTROM & BENTLEY

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

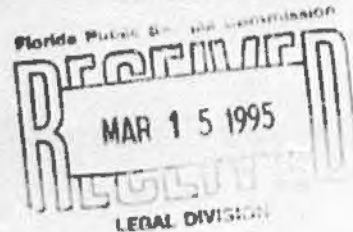
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March 14, 1995

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Scott Edmonds, Esquire
Division of Legal Services
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850

Re: Docket No. 941044-WS; Application of EL JOBEAN WATER ASSOCIATION, INC., for an Order recognizing its exemption from PSC regulation.
Our File No. 27029.09

Dear Mr. Edmonds:

This letter is in response to your letter of March 2, 1995, and our discussion of that matter on March 8th.

I will respond to the inquiries in your letter using the numerical designations which were employed therein.

1. (a) Charlotte County.
- (b) El Jobean owns a water transmission line and water distribution system.

As far as I know, El Jobean owns no land.
- (c) El Jobean's property, pipes and water meters, is personal property conveyed by bills of sale, which are not required to be recorded.

We discussed this matter on March 8th, and I understand you agree that Rule 25-30.060(3)(g) was meant to specify the land on which treatment facilities are located, as do the other rules on this subject. Unless one goes to the trouble and expense of recording bills of sale for lines lying in public rights-of-way, and occasionally on easements, there exists no documentary evidence for the ownership of water distribution and sewage collection systems.

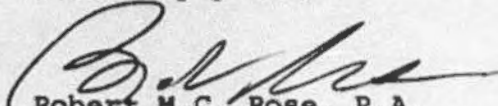
Scott Edmonds, Esquire

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March 14, 1995

2. El Jobean has an agreement by which it purchases water from Charlotte County. The last one I saw was a contract with General Development Utilities, which, as you know, was acquired by the County.
3. I am enclosing the affidavit of the President of El Jobean Water Association, Inc., Ms. Betty Lou Davis, which I trust will satisfy the need. Whether El Jobean may at some past have been created by a land developer is a question I simply don't know, but it doesn't matter. It isn't now. I doubt seriously if the present management knows precisely how the water association was formed.

Sincerely yours,



Robert M.C. Rose, P.A.
For the Firm

RMCR/jbe

cc: Ms. Betty Lou Davis
Mr. Thad Smith

A F F I D A V I T

STATE OF FLORIDA

COUNTY OF CHARLOTTE

Before me, the undersigned authority, personally appeared Ms. Betty Lou Davis, who, after first being duly sworn, deposes on oath and says that she occupies the position of President of El Jobean Water Association, Inc., and states that El Jobean Water Association, Inc., is not owned, operated, managed or controlled by a developer.

Affiant further states that the information given herein is true and correct to the best of her knowledge and belief.

Betty Lou Davis

Betty Lou Davis

Subscribed and sworn to before
me this 9th day of March,
1995.

Lois H. Smith

Notary Public

My Commission Expires:

