



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: April 7, 1995
 TO: Alice Crosby, Division of Legal Services
 Division of Records and Reporting
 FROM: J. Travis Coker, Regulatory Analyst, Division of Water & Wastewater *JTC bsm gn*
 RE: DOCKET NO. 941044-WS; RESOLUTION OF CHARLOTTE COUNTY
 SUBJECT TO PROVISIONS OF CHAPTER 367, F.S. - REQUEST FOR
 EXEMPTION FOR PROVISION OF WATER SERVICE BY COUNTYLINE
 CITGO.

On September 27, 1994, the Board of County Commissioners of Charlotte County adopted Resolution No. 94-195, pursuant to Section 367.171, Florida Statutes, declaring that as of September 27, 1994, the water and wastewater utilities in that County shall become subject to the provision of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. The resolution was acknowledged by this Commission on November 28, 1994, by Order No. PSC-94-1451-FOF-WS. Pursuant to Section 367.131, Florida Statutes, a utility subject to the jurisdiction of this Commission must obtain a certificate of authorization or an order recognizing the exempt status of the system.

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On March 31, 1995, this Commission received an application from Countyline Citgo for a non-jurisdictional exemption for water service pursuant to Section 367.021(12), Florida Statutes. Staff has determined that Countyline Citgo meets the requirements for status as an entity providing service to tenants without specific compensation for the service provided in Section 367.021(12), Florida Statutes. The applicant is a automobile service station and provides water service solely in connection with its operations. There is no charge for providing utility service and all costs are treated or recovered as operational expenses. Water service is provided by a well and wastewater service provided by a septic tank.

Both partners of Countyline Citgo, Mr. Bob Linge and Mr. Randy Linge signed the application on behalf of the applicant. The service area is identified by the following address: 285 Duncan Road, Punta Gorda, Florida, 33982.

In summary, staff has determined that Countyline Citgo meets the necessary qualifications for a non-jurisdictional exemption pursuant to Section 367.021(12), Florida Statutes and Rule 25-30.060(j), Florida Administrative Code. The applicant stated that services are only in conjunction with its business operations. In addition, both partners, Mr. Linge and Mr. Linge acknowledged Section 837.06, Florida Statutes, regarding false statements.

DOCUMENT NUMBER-DATE

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FPC-RECORDS/REPORTING

Based on the above, an order should be issued within thirty days approving Countyline Citgo's application for exemption pursuant to Section 367.021(12), Florida Statutes, as a non-jurisdictional entity. In the event of any change of circumstances or method of operation of its wastewater system, Countyline Citgo or successor(s) in interest, should be ordered to notify the Commission within thirty days of such change so that its exemption status may be reevaluated. In addition the docket should remain open to process other exemption requests for Charlotte County.

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