



# Public Service Commission

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

**DATE:** August 1, 1995

**TO:** Alice Crosby, Division of Legal Services  
Division of Records and Reporting

**FROM:** Patricia Brady, Division of Water and Wastewater *Pb ABM Gnu*

**RE:** Docket No. 941044-WS: Resolution of Board of County Commissioners of Charlotte County Declaring Charlotte County Subject to the Provisions of Chapter 367, Florida Statutes - Request for Exemption for Provision of Water Service by Friendship United Methodist Church

On September 27, 1994, the Board of 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 provisions 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 367.031, 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.

On July 21, 1995, a petition for non-jurisdictional exemption from regulation by the Florida Public Service Commission was filed on behalf of Freedom Bible Church (the Church) pursuant to Section 367.021(12), Florida Statutes. The application was signed by Mr. Gregory Ilkow who is an Elder of the Church and primary contact for the application. The address and phone number for Mr. Ilkow is 260 Hernando Avenue, Port Charlotte, Florida 33952 (813/627-8650). The physical address and service territory for the Church is 500 Sable Street, Port Charlotte, Florida 33952. This location is in Charlotte County.

The application was filed in accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(2) and (3)(j), Florida Administrative Code. Mr. Ilkow has stated that there is no charge for providing water service and all costs will be treated and recovered as operational expenses. Wastewater is handled by septic system. Mr. Ilkow has also acknowledged he is aware of the penalty pursuant to Section 837.06, Florida Statutes, for knowingly making false statements in writing with the intent to mislead.

Section 2.08(C)(14) of the Administrative Procedures Manual grants staff the authority to administratively approve requests for determination of exempt status that are clear-cut and without controversy. Staff finds the application in compliance with statutory requirements and without apparent controversy. Staff therefore recommends that an administrative order be issued finding Freedom Bible Church exempt from Commission regulation pursuant to Section 367.021(12), Florida Statutes.

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Staff also recommends that the order require an official of Freedom Bible Church notify the Commission within 30 days of any change in circumstances or method of operating its utility services so that the exempt status may be reevaluated. This docket should remain open to process other exemption applications for Charlotte County.

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