

State of Florida

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DIVISION OF WATER &  
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(904) 413-6900

## Public Service Commission

August 14, 1995

Oak Trace Villas Limited Partnership  
c/o Mr. Francis E. Callahan  
P.O. Box 385  
Stratford, CT 06497

RE: Docket No. 950823-WS, Request for exemption from Florida Public Service Commission regulation for provision of water and wastewater service in Marion County by Oak Trace Villas Homeowner Association

Dear Mr. Callahan:

Staff has reviewed your application for a non-profit exemption. In order for us to process Oak Trace Villas Homeowner Association's application for an exemption pursuant to Section 367.022(7), Florida Statutes, the following deficiencies must be corrected:

1. Rule 25-30.060(3)(g), Florida Administrative Code, requires a statement from the corporation, association, or cooperative that it is non-profit. Your letter dated June 21, 1995, indicates that the Homeowners Association is a corporation, but does not say whether or not it is non-profit. Please provide a statement specifying whether or not the corporation is non-profit.
2. Rule 25-30.060(3)(g), Florida Administrative Code, requires a statement that the corporation, association, or cooperative provides service solely to members who own and control it. Your letter indicates that there are currently 48 units sold out of a possible 204. Will all 204 unit owners be members of the Homeowners Association? Will service be provided to any customers other than these 204 units? If so, please explain who these customers will be and specify whether or not they will be members of the Homeowners Association.
3. Rule 25-30.060(3)(g), Florida Administrative Code, requires that the applicant submit its Articles of Incorporation as filed with the Secretary of State. Your letter stated that these would be forwarded under separate cover. If you have

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not already done so, please submit a copy of your Articles of Incorporation as filed with the Secretary of State.

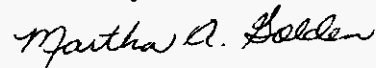
4. Rule 25-30.060(3)(g), Florida Administrative Code, requires that the applicant submit a copy of its by-laws. Your letter indicates that the by-laws are currently being drafted by your attorney. Please submit a copy of the by-laws as filed with the Secretary of State.
5. Rule 25-30.060(3)(g), Florida Administrative Code, states that the applicant must provide proof of its ownership of the utility facilities and the land upon which the facilities will be located or other proof of its right to the continued use of the land, such as a 99-year lease. It further states that the Commission may consider a written easement or other cost-effective alternative. Please provide proof of ownership of the utility facilities and land.

In addition to the above deficiencies, the following information is requested:

1. In your letter, you stated that you were enclosing a copy of the covenants and restrictions on the property. However, the only item attached to the letter we received was the Oak Trace Villas Homeowners Association's 1994 Income Tax Return. Please send a copy of the covenants and restrictions on the property.
2. Please describe the property that is being served (e.g., single-family houses, mobile homes, duplexes, condominiums, club house, etc.).

It is the intention of the Florida Public Service Commission to expedite the request for exemptions. The above explanations are needed in order 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 no later than **December 14, 1995**, to the **Director, Division of Records and Reporting, Capital Circle Office Center, 2540 Shumard Oak Blvd., Tallahassee, Florida, 32399-0850**. Should you have any further questions, please do not hesitate to give me a call at (904) 413-7015.

Sincerely,



Martha A. Golden  
Economic Analyst

cc: Charles H. Hill, Director, Division of Water and Wastewater  
Alice Crosby, Division of Legal Services