

MEMORANDUM

February 19, 1996

TO: CHARLIE PELLEGRINI, DIVISION OF LEGAL SERVICES
DIVISION OF RECORDS AND REPORTING

FROM: CHRISTINE TOMLINSON, DIVISION OF WATER AND WASTEWATER *Ch Tomlin*

RE: DOCKET NO. 951235-WS; RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY DECLARING MANATEE COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES - REQUEST FOR EXEMPTION FOR PROVISION OF WATER AND WASTEWATER SERVICE BY TERRA SIESTA CO-OP, INC.

On October 10, 1995, the Board of County Commissioners of Manatee County adopted Resolution No. R-95-109, pursuant to Section 367.171, Florida Statutes, declaring that as of October 10, 1995, 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 9, 1995, by Order No. PSC-95-1393-POF-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.

On November 29, 1995, this Commission received an application from Terra Siesta Co-op, Inc. (Terra Siesta or utility) for a non-profit exemption pursuant to Section 367.022(7), Florida Statutes and Rule 25-30.060(3)(g), Florida Administrative Code. The primary contact person for Terra Siesta is Ms. Betty L. Whitcomb, manager. Ms. Cornelius E. Schoonejongen, president of the Association, signed the application. The mailing address for the above contact person is 3502 Patricia Place, Ellenton, Florida 34222-4515. The mailing address for the utility is the same as the above address. The physical address of the system is 7718 Highway 301 North, Ellenton, Florida 34222-4515.

The application was filed in accordance with Section 367.022(7), Florida Statutes, and Rules 25-30.060(3)(g), Florida Administrative Code. In addition, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements. Included with the application was a statement that Terra Siesta is a nonprofit corporation, that it will provided water and wastewater service solely to members who own and control it, that Terra Siesta will do the billing for such service, and that the service area is located at 7718 Highway 301 North, Ellenton, Florida 34222-4515. Also included with the application were the Articles of Incorporation as filed with the Secretary of State and the Bylaws

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which documents clearly the requirements for membership, and that the members' voting rights are one vote per unit of ownership. The Bylaws do not show when control passes to the nondeveloper members because it is 100% membership owned. There is no developer represented in the corporation and there has never been a developer involved in the ownership or management of the Co-op. In addition the utility did provide a warranty deed as proof of ownership of the utility facilities and the land upon which the facilities will be located.

According to Section 21.08(c)(14), Administrative Procedures Manual, Staff has been given administrative authority to approve clear-cut or non-controversial requests for determination of exempt status. Staff recommends that an administrative order be issued as soon as possible finding Terra Siesta Co-op, Inc. exempt from Commission regulation pursuant to Section 367.022(7), Florida Statutes. Staff further recommends that the order require Terra Siesta Co-op, Inc. to notify this Commission in the event of any change of circumstances or method of operation of its water and/or wastewater system. Furthermore, Staff recommends that this docket remain open.

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