

Flagler County Board of County Commissioners

1200 E. Moody Blvd. #1
Bunnell, FL 32110

ORIGINAL
FILE COPY

AUG - 8 1996

By facsimile and U.S. Mail

August 5, 1996

96 0898 - W3

William D. Talbott
Executive Director
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Mr. Talbott:

In accordance with Section 167.171(1) of Florida Statutes, the Board of County Commissioners enacted the attached resolution at about 2:30 p.m. today at its regularly scheduled meeting.

ACK _____ The resolution revokes Florida Public Service Commission
AFA _____ jurisdiction over investor-owned water and wastewater systems
located wholly within Flagler County.

APP _____ Please advise if you require any additional information.

CAF _____

CMU _____

CTR _____

EAG _____

LEG 1 _____

LIN _____

OPC 1 _____ cc: Charles Hill, Division Director

RCH _____ enclosure

SEC 1 _____

WAS 1 _____ CWC/pdh

OTH _____

Sincerely,

Christopher W. Chinault
County Administrator

JACK NUGENT
District 1

MICHAEL R. DES PARTE
District 2

JIM DARBY
District 3

DOCUMENT NUMBER-DATE
SAM TRIVETT DISTRICT 4 08338 AUG-96
GEORGE HANNS DISTRICT 5

FPSC-REG/REGUS/REPORTING



RESOLUTION NO. 96-62

**A RESOLUTION RESCINDING FLORIDA PUBLIC
SERVICE COMMISSION JURISDICTION OVER
INVESTOR-OWNED WATER AND WASTEWATER
SYSTEMS IN FLAGLER COUNTY.**

WHEREAS, Florida law permits counties through their boards of county commissioners to decide whether the provisions for Florida Public Service Commission ("PSC") jurisdiction shall be operative for investor-owned water and wastewater systems located exclusively in their counties, and

WHEREAS, the Board of County Commissioners of Flagler County during the Florida Legislature's Sunset Review of the Florida Public Service Commission resolved to come under PSC jurisdiction on May 5, 1980 for investor-owned water and wastewater systems located in Flagler County, and

WHEREAS, the Board of County Commissioners hereby finds that the May 5, 1980 action of the Board to authorize PSC jurisdiction was a resolution declaring that the County would be subject to the provisions of Florida Chapter 367, and

WHEREAS, the Florida Legislature acknowledged Flagler County's resolution to subject its investor-owned water and wastewater systems to PSC jurisdiction in the Sunset Review legislation, and

WHEREAS, the PSC has exercised regulatory jurisdiction over investor-owned water and wastewater systems in Flagler County since July 1, 1980, a period exceeding ten (10) continuous years, and

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WHEREAS, the Florida Legislature allows counties through their boards of county commissioners to reinstate their own regulatory authority and exclude themselves from PSC jurisdiction over investor-owned water and wastewater utilities located exclusively within their counties if the county has been under such jurisdiction for at least ten (10) continuous years, and

WHEREAS, the Board of County Commissioners finds that the citizens of Flagler County will be better served by the County regulating investor-owned water and wastewater systems, and

WHEREAS, Florida Statutes prescribe minimum conditions for a county's exercise of regulatory jurisdiction which the Board of County Commissioners has reviewed and considered, and

WHEREAS, the Board of County Commissioners of Flagler County has determined to reinstate the County's regulatory authority and to be excluded henceforth from the provisions for PSC jurisdiction over investor-owned water and wastewater systems located exclusively within Flagler County.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY AS FOLLOWS:

Section 1. Pursuant to Section 367.171(1), Florida Statutes, and its home rule powers under Florida Law, the Board of County Commissioners of Flagler County rescinds its May 5, 1980 resolution electing to be subject to the provisions for PSC jurisdiction over investor-owned water and

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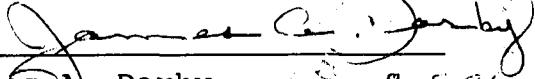
wastewater utilities located within Flagler County whose service does not transverse the County's boundaries.

Section 2. Pursuant to Section 367.171(1), Florida Statutes, and its home rule powers under Florida Law, the Board of County Commissioners of Flagler County hereby excludes itself from the provisions for such jurisdiction and reinstates its regulatory authority over investor-owned water and wastewater utilities located within Flagler County whose service does not transverse the County's boundaries.

Section 3. Effective immediately, the Board of County Commissioners of Flagler County exercises jurisdiction over investor-owned water and wastewater utilities located within Flagler County whose service does not transverse the County's boundaries, pursuant and subject to the standards and requirements of Section 367.171, Florida Statutes.

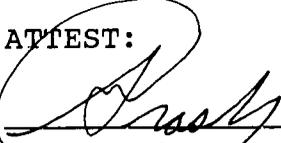
Adopted this 5th day of August, 1996.

FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS


James A. Darby
Chairman

8-5-96

ATTEST:


Syd Crosby, Clerk and
Ex Officio Clerk
to the Board

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