

MEMORANDUM

August 31, 1996

TO : CROSBY, DIVISION OF LEGAL SERVICES
DIVISION OF RECORDS AND REPORTING

FROM: MCROY, DIVISION OF WATER AND WASTEWATER *McRoy*

RE : DOCKET NO. 930301-WS: REQUEST FOR EXEMPTION FROM FLORIDA
PUBLIC SERVICE COMMISSION REGULATION FOR PROVISION OF
WATER AND WASTEWATER SERVICE BY NORMANDY VILLAGE UTILITY
CO. IN DUVAL COUNTY.

On May 23, 1993, Normandy Village Utility Co. (NVU or Applicant) filed its request for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes, as a nonprofit association. This section provides an exemption from Commission regulation for "nonprofit corporations, associations, or cooperative providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives." IDC currently provides water and wastewater service to 1,286 units with a build out capacity of 1,291 units. Ms. Dorothy E. Letien, is the contact person and the mailing address is Normandy Village Utility Co., 1828 Fouraker Road, Jacksonville, Florida 32236 (904) 781-1194.

The application was filed in accordance with Section 367.022(7), Florida Statutes, and Rule 25-30.060(3)(g), Florida Administrative Code. Included with the application was a statement from Mr. Raymond Gruca, acknowledging that: the association is nonprofit, service will be provided solely to members who own and control it, NVU will do the billing and the service area will be limited to the Normandy Village Utility, Co. The applicant provided the Articles of Incorporation as filed with the Secretary of State and the Bylaws which clearly show the requirements for membership, that the members' voting rights are one vote per unit of ownership and that the control of the corporation passes to the nondeveloper members upon reaching 51 percent of the vote. The members own and operate Normandy Village Utility, Co.

The applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

Based on the above information, staff recommends that NVU be found exempt from Commission regulation pursuant to Section 367.022(7), Florida Statutes, as a nonprofit association. An administrative order should be issued within thirty days granting the exemption and closing the docket. In the event of any change

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of circumstances or method of operation, NVU, or its successor(s) in interest, should be ordered to notify the Commission with thirty days of such change so that its exempt status may be reevaluated. Also, NVU should be required to record their final order with the Clerk of the Court for Duval County.

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