

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 4/2/97

Docket No. 970411-WS

1. Division Name/Staff Name Water and Wastewater / Messer GbM
2. OPR Water and Wastewater
3. OCR Legal

4. Suggested Docket Title Resolution 97-21 by Board of DeSoto County Commissioners rescinding Florida Public Service Commission Jurisdiction over private water and wastewater companies in DeSoto County

5. Suggested Docket Hearing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

<u>DeSoto County</u>	<u>Bob Koncar, County Administrator for DeSoto County</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Check one:

- Documentation is attached.
 Documentation will be provided with recommendation.

I:\PSC\RAR\WP\ESTDKT.

PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE

03348 APR-25

FPSC-RECORDS/REPORTING

BOARD OF COUNTY COMMISSIONERS
DESOTO COUNTY



Administration Building
Suite 201
201 East Oak Street
Arcadia, Florida 34266
(941) 993-4800
SunCom 740-4800
Fax (941) 993-4809

BOB KONCAR
ADMINISTRATOR

GARY ALAN VORBECK
ATTORNEY

Beverly Demello
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Fl. 32399

March 3, 1997

Dear Ms. Demello;

The Board of County Commissioners has voted to exercise its option and request that the Public Service Commission vacate its regulatory control over the Lake Suzy Water and Sewer Utility in DeSoto County. In December of 1986 the Public Service Commission (at the request of the Board of County Commissioners), assumed control over the regulatory aspects of the Lake Suzy Utility.

This letter is to serve as official notice that the Board of County Commissioners of DeSoto County has voted to exercise the regulatory authority over the Lake Suzy Utility as provided for in the Florida Statutes and Florida Administrative Code. The necessary paperwork will follow within the next several days. If you have any questions or need additional information please contact Bob Koncar, County Administrator at 941/993-4810.

Sincerely,

A handwritten signature in cursive script that reads "Barbara E. Smith".

Barbara E. Smith
Chairman

cc: Mr. Dallas Shepard



T. FELTON GARNER
DISTRICT 1

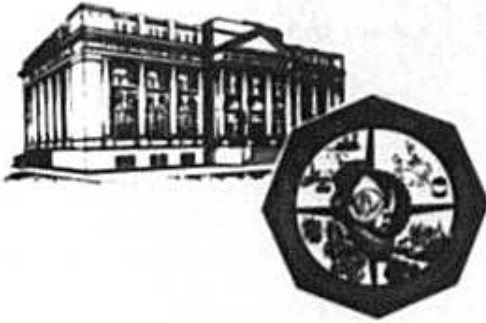
JOE L. VARNADORE
DISTRICT 2

W.R. "BOB" AVANT
DISTRICT 3

BARBARA E. SMITH
DISTRICT 4

ROBERT R. "BOB" ALLEN
DISTRICT 5

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BOB KONCAR
ADMINISTRATOR

GARY ALAN VORBECK
ATTORNEY

March 14, 1997

RECEIVED

MAR 21 1997

Florida Public Service Commission
Division of Water and Wastewater

Ms. Billie Messer
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

RE: Resolution NO. 21

Dear Ms. Messer,

Please find enclosed a certified original Resolution No. 21 as per your request.

The two utilities in DeSoto County are Lake Suzy and Kingsway. If we can be of any further service, please feel free to call.

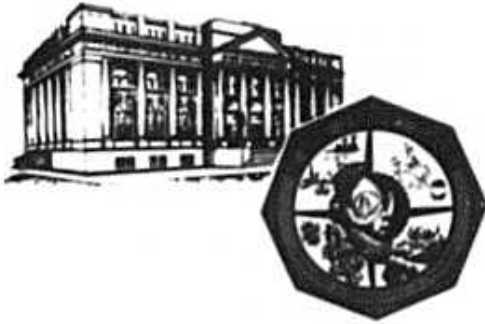
Sincerely,

A handwritten signature in cursive script that reads "Bob Koncar".

Bob Koncar
County Administrator

BK/mgt

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DISTRICT 1

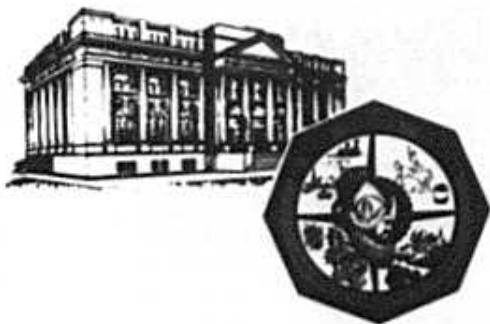
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Bob Koncar
County Administrator

BK/mgt

DESOTO COUNTY, FLORIDA

RESOLUTION NO. 21

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA TO EXERCISE ITS RIGHT UNDER SECTION 367.171(1), FLORIDA STATUTES, TO RESCIND DESOTO COUNTY RESOLUTION NUMBER 1984-22, A PRIOR RESOLUTION OF DESOTO COUNTY INVOKING PUBLIC SERVICE COMMISSION JURISDICTION OVER ALL INVESTOR-OWNED WATER AND WASTEWATER SYSTEM LOCATED IN DESOTO COUNTY, AND THEREBY EXCLUDE DESOTO COUNTY FROM THE PROVISION OF CHAPTER 367, FLORIDA STATUTES.

WHEREAS, on August 14, 1984, the Board of County Commissioners of DeSoto County, Florida, adopted Resolution Number 1984-22, declaring DeSoto County subject to the provisions of Chapter 367, Florida Statutes, invoking Public Service Commission jurisdiction over all investor-owned water and wastewater systems located in DeSoto County; and

WHEREAS, the Public Service Commission has actively exercised jurisdiction since that time; and

WHEREAS, Section 367.171(1) provides that "A county, after 10 continuous years under the jurisdiction of the commission, may by resolution or ordinance rescind any prior resolution or ordinance imposing commission jurisdiction and thereby exclude itself from the provisions of this chapter"; and

WHEREAS, the Board of County Commissioners of DeSoto County, Florida, has determined that it is in the best interests of the health, welfare and safety of the citizens of DeSoto County, Florida, to rescind Resolution Number 1984-22, and thereby exclude DeSoto County from the provisions of Chapter 367, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of DeSoto County, Florida, as follows:

1. DeSoto County hereby rescinds Resolution Number 1984-22, and thereby excludes DeSoto County from the provisions of Chapter 367, Florida Statutes, effective immediately.

2. The DeSoto County Administrator is hereby directed to:


- a. Transmit a certified copy of this Resolution to the Public Service Commission for acknowledgement by the Public Service Commission;
- b. Notify existing investor-owned water and wastewater systems operating or under construction in DeSoto County, of this Resolution;
- c. Accept and process applications for County Certificates of Authorization from investor-owned water and wastewater systems operating or under construction in DeSoto County, in accordance with the provision of Section 367.171(4), Florida Statutes;
- d. Prepare regulations governing investor-owned water and wastewater systems operating or under construction in DeSoto County, for adoption by the Board of County Commissioners of DeSoto County, Florida, within ninety (90) days of the adoption of this Resolution, which regulations shall include, as minimum standards of regulation, the provisions of Section 367.081, Florida Statutes, except for paragraph (4)(a), and Section 367.082, Florida Statutes, except that the word "commission" shall be read as "the governing body of such county" when the context

implies or admits. The authorized rate of return shall be no less than the weighted cost of the capital of the utility, including debt and equity.

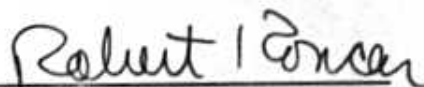
DULY PASSED AND ADOPTED IN REGULAR SESSION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, THIS 5th DAY OF MARCH, 1997.

BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA

(OFFICIAL SEAL)


BARBARA E. SMITH
Chairman

ATTEST:


ROBERT KONCAR
County Administrator

I certify this document to be a true and correct copy of the original on file in office of County Commissioners DeSoto County, Florida.

Dated:

By 