



# Public Service Commission

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**DATE:** June 10, 1997

**TO:** Division of Records and Reporting  
Division of Legal Services, Alice Crosby

**FROM:** Division of Water & Wastewater, J. Travis Coker *JTC SAM JRW*

**RE:** Docket No. 941044-WS; Application for exemption from Public Service Commission regulation in Charlotte County by Lemon Bayview East Condominium Association, Inc.

On December 5, 1994, this Commission received an application from Bayview East Condominium Association, Inc. for a non-profit association exemption for wastewater service, pursuant to Section 367.022(7), Florida Statutes. Upon review of the application and information from the Division of Corporations of the Department of State, it was determined that Bayview East Condominium Association, Inc. had been dissolved for several years. Because another entity had been incorporated under the name, Bayview East Condominium Association, Inc., the association reincorporated on March 17, 1995, as Lemon Bayview East Condominium Association, Inc., and provided a copy of its Articles of Incorporation.

The application for exemption was filed by Mr. Roy J. Russell, Director and Treasurer of the Association, on behalf of the Association. Water service is provided by the Englewood Water District, and wastewater service is provided by an on-site wastewater treatment facility. The service area is identified as 53 Bay Heights Avenue West, Englewood, Florida 34223, and includes twenty units and consists of less than two acres.

ACK \_\_\_\_\_ From our review of the application and information provided, Staff has determined that  
 AFA \_\_\_\_\_ Lemon Bayview East Condominium Association, Inc. meets the requirements for exemption as  
 APP \_\_\_\_\_ a non-profit association providing service solely to its members, as prescribed by Section  
 CAF \_\_\_\_\_ 367.022(7), Florida Statutes, and Rule 25-30.060(3)(g), Florida Administrative Code. In addition,  
 CMU \_\_\_\_\_ Mr. Russell acknowledged Section 837.06, Florida Statutes, regarding false statements.

CTR \_\_\_\_\_ Therefore, Staff recommends that Lemon Bayview East Condominium Association, Inc.  
 EAG \_\_\_\_\_ be granted exemption pursuant to Section 367.022(7), Florida Statutes. Staff further recommends  
 LEG \_\_\_\_\_ that the order require Lemon Bayview East Condominium Association, Inc. to notify this  
 LIN \_\_\_\_\_ Commission within 30 days if there is a change in circumstances or method of operation which  
 OPC \_\_\_\_\_ causes it to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes, so that  
 RCH \_\_\_\_\_ its status may be reevaluated. Further, Staff recommends that the Docket remain open to process  
 SEC \_\_\_\_\_ additional applications.

WAS \_\_\_\_\_  
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