

ORIGINAL

MEMORANDUM

March 2, 1998

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

FROM : STEPHANIE CLAPP, DIVISION OF WATER AND WASTEWATER *RCM*

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
 SERVICE BY PALM LAKE ESTATES CONDOMINIUM ASSOCIATION,
 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-FOF-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 December 11, 1995, this Commission received an application from Palm Lake Estates Condominium Association, Inc. (Palm Lake) for a non-jurisdictional exemption pursuant to Section 367.021(12), Florida Statutes. However, after review of the application and discussion with Mr. Harry Graham, primary contact person for Palm Lake, staff determined that Palm Lake meets the necessary qualifications for a nonprofit association as provided for in Section 367.022(7), Florida Statutes. The applicant will provide water and wastewater services for only the resident-owners of Palm Lake. The actual water and wastewater services are purchased from Manatee County Public Works Department. The mailing address for the above contact person and utility is 808 53rd Avenue East, Bradenton, Florida 34203. The utility's physical address is the same as the mailing address.

The applicant, operating as a corporation, has filed in accordance with Section 367.022(7), Florida Statutes, and Rules 25-30.060 (1), (2), and (3)(g), Florida Administrative Code. The applicant has stated that the services will be provided to the resident-owners, with all costs being paid through regular

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association fees. Additionally, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

According to Section 2.08(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 finding Palm Lake Estates Condominium Association, Inc., exempt from Commission regulation pursuant to Section 367.022(7), Florida Statutes. In the event of any change of circumstances or method of operation, Palm Lake or its successor(s) in interest, should be ordered to notify the Commission within thirty days of such change so that its exempt status may be reevaluated. Additionally, staff recommends that this docket should remain open for the processing of additional applications.

I: palmlake.mag