

ORIGINAL

MEMORANDUM

April 30, 1998

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

FROM : STEPHANIE CLAPP, DIVISION OF WATER AND WASTEWATER *QSSM gn*

RE : DOCKET NO. 941044-WS; REQUEST FOR EXEMPTION FROM FLORIDA  
 PUBLIC SERVICE COMMISSION REGULATION FOR PROVISION OF  
 WATER AND WASTEWATER SERVICE IN CHARLOTTE COUNTY BY  
 EMERALD LAKE.

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On September 27, 1994, the Board of County Commissioners of Charlotte County adopted Resolution No. 94-195, pursuant to Section 367.171, Florida Statutes, declaring that as of September 27, 1994, 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 28, 1994, by Order No. PSC-94-1451-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 April 30, 1996, this Commission received two applications from Emerald Lake, one for a non-jurisdictional entities exemption pursuant to Section 367.021(12), Florida Statutes, and one for a reseller exemption pursuant to Section 367.022(8), Florida Statutes. This Commission received a letter on April 29, 1998, from Mr. Robert Munro, primary contact for Emerald Lake, stating that the non-jurisdictional entities exemption application was filed in error. After review of the reseller exemption application, the 1997 Annual Reseller Reports, and discussions with Robert Munro, staff determined that Emerald Lake meets the necessary qualifications for a reseller exemption finding as provided for in Section 367.021(12), Florida Statutes. The applicant will provide water and wastewater services for only Emerald Lake. The water service and wastewater service is provided by the City of Punta Gorda. Mr. Munro's address is 14205 East Colonial Drive, Orlando, Florida 32826. The physical and mailing address of Emerald Lake is 24300 Airport Road, Punta Gorda, Florida 33950.

As stated above, the application was filed in accordance with Section 367.022(8), Florida Statutes, for a reseller exemption pursuant to Section 367.021(12), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(h), Florida Administrative Code. The applicant has stated that the services will be provided at a rate

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or charge that does not exceed the actual purchase price. The reseller is aware of the requirements of Rule 25-30.111, Florida Administrative Code, regarding annual reporting requirements. The Reseller is aware of the requirements of Section 367.122, Florida Statutes and Rules 25-30.262 through 25-30.267, Florida Administrative Code, regarding the examination and testing of meters. 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 Emerald Lake exempt from Commission regulation pursuant to Section 367.022(8), Florida Statutes. In the event of any change of circumstances or method of operation, Emerald 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 processing additional applications.

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