

ORIGINAL

MEMORANDUM

October 6, 1999

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RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CROSBY) *ps*
DIVISION OF WATER AND WASTEWATER (CLAPP) *Q*

RE: DOCKET NO. 950823-WS - REQUEST FOR EXEMPTION FROM FLORIDA PUBLIC SERVICE COMMISSION REGULATION FOR PROVISION OF WATER AND WASTEWATER SERVICE IN MARION COUNTY BY OAK TRACE VILLAS HOMEOWNER ASSOCIATION.

By letter dated September 28, 1999 (attached), Donald L. DeVane, as Receiver, requested to withdraw the application for exemption from Commission regulation filed on July 14, 1995. The request was filed on behalf of Oak Trace Villas Homeowner Association.

Mr. DeVane was appointed Receiver of the water and wastewater utilities, which are subject to seizure by the Internal Revenue Service, on June 24, 1999. Subsequent to that time, the Receiver petitioned the Court to transfer the water and wastewater utilities to Marion County. The petition was granted on September 17, 1999.

The Association has never charged for service and, therefore, has never been subject to this Commission's regulation, as set forth in Section 367.021(12), Florida Statutes. Further, since the system has been transferred to the County, no further action is necessary and the docket should be closed.

Upon joint recommendation of the OPR Division and the Division of Legal Services, Section 2.07(C)(6)(d), of the Administrative Procedures Manual grants the Division of Records and Reporting the authority to administratively close dockets in which the applicant seeks to withdraw its initial pleading. As stated previously, the application has been withdrawn. Further, there are no pending issues that need to be addressed by the Commission regarding this filing, there is no filing fee involved, and no agency action needs to be taken. Therefore, this docket may be closed.

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ALC
Attachment

*OK
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10/14/99*

DOCUMENT NUMBER-DATE

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FPC-RECORDS/REPORTING

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Donald L. DeVane, Jr. Receiver

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION

99 SEP 30 AM 8:56

MAIL ROOM

September 28, 1999

Director of Records and Reporting
State of Florida Public Service Commission
Division of Water and Wastewater
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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OCT - 4 1999

Florida Public Service Commission
Division of Water and Wastewater

RE: Docket No. 950823-Oak Trace Villas

Gentlemen:

In regard to the above referenced docket, I am requesting that this application be withdrawn. I am the appointed Receiver (as of 6/24/99) for this property which is subject to an IRS seizure.

I, as Receiver for Oak Trace Villas, petitioned the court to transfer the water and wastewater utilities to Marion County. This petition was granted by the Court on 9/17/99. It is for this reason that I am requesting that the above application for exemption from Public Service Commission regulation be withdrawn.

If you should require additional information in this regard, please feel free to contact me at (407) 660-9555.

Sincerely,

Donald L. DeVane, Jr.

Donald L. DeVane, Receiver

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Donald L. DeVane, Jr., Receiver
900 Winderley Place ♦ Suite 148 ♦ Maitland, Florida 32751
407/660-9555 Telephone ♦ 407/660-0252 Facsimile