



ORIGINAL

OFFICE OF THE COUNTY ATTORNEYS

DISTRIBUTION CENTER

September 21, 2004

04 SEP 23 AM 8:59

BOARD OF COUNTY COMMISSIONERS

BURKE, BLUE & HUTCHISON, P.A.

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COMMISSIONERS:

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DISTRICT III

JERRY L. GIRVIN
DISTRICT IV

MICHAEL J. ROPA
DISTRICT V

PAMELA D. BRANGACCIO
COUNTY MANAGER

Blanca S. Bayo, Director
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

041116-WS

COMMISSION
CLERK

SEP 23 AM 9:43

RECEIVED-FPSC

RE: Notice of Resumption of Bay County
Jurisdiction to Regulate Utilities within Bay County

Dear Ms. Bayo:

Enclosed is a copy of Bay County Resolution 2570, which rescinds the resolution of July 10, 1973, and reassumes jurisdiction by the County, effective immediately. We have also served a copy of the resolution on the attorney representing Bayside Utility Services, Inc., and Sandy Creek Utilities, Inc., and their parent company, Utilities, Inc.

Very truly yours,

BURKE, BLUE & HUTCHISON, P.A.

William C. Henry

WCH/dc

Enclosure

cc: Board of County Commissioners
Pamela Brangaccio, County Manager
Tom Crandall, Utility Services Director
Michael S. Burke
Patti Daniel, Public Service Commission
Ralph Jaeger, Esquire, Division of Legal Services
Stephen C. Reilly, Esquire, Office of Public Counsel

DOCUMENT NUMBER-DATE

10317 SEP 23 3

FPSC-COMMISSION CLERK

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, RESCINDING THE RESOLUTION OF JULY 10, 1973 WHICH IMPOSED REGULATORY JURISDICTION UPON THE FLORIDA PUBLIC SERVICE COMMISSION FOR UTILITIES OPERATING WITHIN BAY COUNTY

WHEREAS, on July 10, 1973, by resolution, the Board of County Commissioners of Bay County imposed utility regulatory jurisdiction upon the Florida Public Service Commission; and

WHEREAS, Section 367.171 (1), Florida Statutes authorizes counties to rescind such resolutions after ten continuous years under the jurisdiction of the Florida Public Service Commission; and

WHEREAS, the Board of County Commissioners finds that the best interests of the health, safety and welfare of the people of Bay County require Bay County to reassume regulatory jurisdiction over utilities operating within Bay County;

NOW, THEREFORE, BE IT RESOLVED BY THE BAY COUNTY BOARD OF COUNTY COMMISSIONERS that:

1. The resolution of July 10, 1973 is hereby rescinded; and
2. Bay County is hereby excluded from the provisions of Chapter 367, Florida Statutes.
3. The County Attorney shall serve notice of this Resolution upon the Florida Public Service Commission and utilities known to be operating within Bay County.

COPY

4. All private utilities operating within Bay County shall comply with the application provisions of Section 367.171 (4) within 90 days of the date of this resolution.

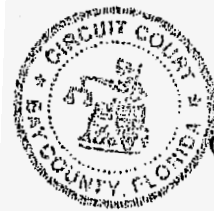
DULY PASSED AND ADOPTED by the Board of County Commissioners of Bay County, Florida, this 7th day of Sept., 2004.

STATE OF FLORIDA
COUNTY OF BAY

I, Harold Bazzel, Clerk of the Circuit Court and ex-officio Clerk and Auditor of the Board of County Commissioners do hereby certify that the above and foregoing Resolution was duly adopted by the Board of County Commissioners of Bay County in regularly scheduled session on the 7th day of Sept., 2004.



Harold Bazzel
Clerk of the Circuit Court and ex-officio
Clerk and Auditor of the Board of County
Commissioners of Bay County, Florida



A CERTIFIED TRUE COPY
HAROLD BAZZEL, CLERK
OF THE CIRCUIT COURT

By *Jimmy Hoffmann*
Deputy Clerk