

BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT

COMMISSION MINUTES



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September 26, 2007

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED FPSC
07 SEP 28 AM 9:26
COMMISSION
CLERK

We are forwarding a certified copy of Resolution #2007-143 as required within the Resolution per item 2, on page 2. This Resolution was approved by the Board of Charlotte County Commissioners on Tuesday, September 25, 2007.

If you have any questions, please contact me directly at (941) 743-1539.

Sincerely,

BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT

By: Anne L. Pfahler
Anne L. Pfahler
Deputy Clerk

Enclosure (1)
BTS/alp

DOCUMENT NUMBER DATE
08914 SEP 28 2007
FPSC-COMMISSION CLERK

RESOLUTION
NO. 2007 143

A RESOLUTION RELATING TO COUNTY REGULATION OF PRIVATE WATER AND WASTEWATER SYSTEM UTILITIES; RESCINDING RESOLUTION NO. 94-195; EXCLUDING CHARLOTTE COUNTY FROM THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES, THUS TRANSFERRING SUCH REGULATION FROM THE PUBLIC SERVICE COMMISSION BACK TO CHARLOTTE COUNTY; PROVIDING FOR MAILING A CERTIFIED COPY HEREOF; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, pursuant to Board of County Commissioners Resolution No. 94-195, adopted September 27, 1994, attached hereto as Exhibit "A" and incorporated herein by reference, the Florida Public Service Commission ("PSC") presently regulates certain private water and wastewater system utilities within Charlotte County pursuant to its authority under Chapter 367, Florida Statutes, the "Water and Wastewater System Regulatory Law"; and

WHEREAS, the Charlotte County Board of County Commissioners has determined that it is in the best interest of the citizens and residents of Charlotte County that private for-profit water and wastewater systems within Charlotte County be regulated by Charlotte County; and

WHEREAS, the Charlotte County Board of County Commissioners now desires to transfer the regulation of private utilities from the PSC to Charlotte County, pursuant to Section 367.171(1), Florida Statutes, and thereby exclude itself from the provisions of Chapter 367.

DOCUMENT NUMBER - DATE

08914 SEP 28 2007

FPSC-COMMISSION CLERK

CERTIFIED TRUE COPY FILE
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA
BY: Annex L. Hatcher
DEPUTY CLERK

NOW THEREFORE, BE IT RESOLVED by the Board of County commissioners of Charlotte County, Florida:

1. Resolution No. 94-195 is hereby rescinded, thereby excluding Charlotte County, Florida from the provisions of Chapter 367, Florida Statutes, effective immediately, and all non-exempted water and wastewater systems in the County that meet the definition of "utility" as defined by Section 367.021, Florida Statutes, are hereby subject to the jurisdiction and regulatory authority of Charlotte County, Florida.
2. The Clerk of the Board is hereby directed and authorized to notify the Public Service Commission of the adoption of this resolution by mailing a certified copy of this resolution to the Public Service Commission forthwith.

PASSED AND DULY ADOPTED this 25 day of September, 2007.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY FLORIDA

By Richard D. Loftus
Richard D. Loftus, Chairman

ATTEST:

Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By Anne L. Bahler
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Janette S. Knowlton
Janette S. Knowlton, County Attorney

MB

CERTIFIED, TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA
BY: *[Signature]*
DEPUTY CLERK

RESOLUTION
NUMBER 94-195

A RESOLUTION RELATING TO COUNTY REGULATION OF PRIVATE WATER AND WASTEWATER SYSTEM UTILITIES; DECLARING CHARLOTTE COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES, THUS TRANSFERRING SUCH REGULATION TO THE PUBLIC SERVICE COMMISSION; PROVIDING FOR MAILING A CERTIFIED COPY HEREOF; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Charlotte County Board of County Commissioners presently regulates certain private water and wastewater system utilities pursuant to its authority as a charter county and Chapter 367, Florida Statutes, the "Water and Wastewater System Regulatory Law," which specifically excludes Charlotte County from Public Service Commission (PSC) jurisdiction; and

WHEREAS, the Charlotte County Board of County Commissioners has determined that it is in the best interest of the citizens and residents of Charlotte County that private for-profit water and sewer systems within Charlotte County be regulated by the Public Service Commission, which has adequate staff to analyze utility system rates; and

WHEREAS, the Charlotte County Board of County Commissioners now desires to transfer the regulation of private utilities to the PSC, pursuant to Section 367.171(1), Florida Statutes, and thereby make the provisions of Chapter 367 effective in Charlotte County, Florida;


NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. Charlotte County, Florida, is hereby subject to the provisions of Chapter 367, Florida Statutes, the "Water and Wastewater Regulatory Law," effective immediately, and all non-exempted water and sewer systems in the County that meet the definition of "utility" as defined by Section 367.021, Florida Statutes, are hereby subject to the jurisdiction and regulatory authority of the State of Florida Public Service Commission.

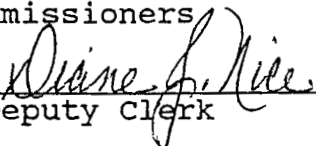
2. The Clerk to the Board is hereby directed and authorized to notify the Public Service Commission of the adoption of this resolution by mailing a certified copy of this resolution to the Public Service Commission forthwith.

PASSED AND DULY ADOPTED this 27th day of September, 1994.

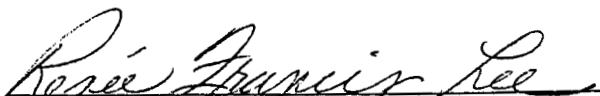
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By 
Richard J. Leonard, Chairman

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Renee Francis Lee, County Attorney

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