

**REQUEST TO ESTABLISH DOCKET**

(Please Type)

<b>Date:</b>	10/8/2007	<b>Docket No.:</b>	070643-WS
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<b>1. Division Name/Staff Name:</b>	Economic Regulation
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<b>2. OPR:</b>	Cheryl Johnson <i>Cj</i>
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<b>3. OCR:</b>	
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<b>4. Suggested Docket Title:</b>	Ordinance by the Charlotte County Board of Commissioners to regulate the private water and wastewater utilities in Charlotte County
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**5. Suggested Docket Mailing List (attach separate sheet if necessary)**

**A. Provide NAMES OR ACRONYMS ONLY if a regulated company.**

**B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)**

**1. Parties and their representatives (if any):**


**2. Interested persons and their representatives (if any):**

Ms. Anne L. Pfahler	
Charlotte County Board Of County Commissioners	
18500 Murdock Circle, Room 416	
Port Charlotte, Florida 33948	
(941) 743 -1539	Fax (941) 623 -1043

**6. Check one:**

Documentation is attached.

Documentation will be provided with recommendation.

DOCUMENT NUMBER-DATE  
09186 OCT-8 5

BARBARA T. SCOTT  
CLERK OF THE CIRCUIT COURT

COMMISSION MINUTES



DISTRIBUTION CENTER

07 SEP 28 AM 7:14

070000-0T

September 26, 2007

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

COMMISSION  
CLERK

07 SEP 28 AM 9:26

RECEIVED FPSC

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 06

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  
OF THE ORIGINAL  
BARBARA T. SCOTT  
CLERK OF THE CIRCUIT COURT  
CHARLOTTE COUNTY, FLORIDA

BY: Anne L. Hadden  
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: Blaine F. Rice  
DEPUTY CLERK

R E S O L U T I O N  
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;

EXHIBIT "A"


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.

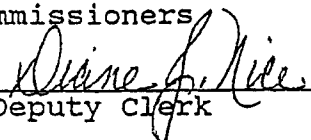
PASSED AND DULY ADOPTED this 27th day of September, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

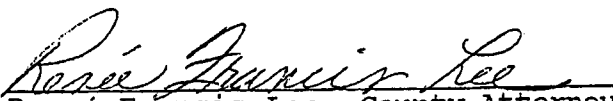
By   
Richard J. Leonard, Chairman

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:

  
René Francis Lee, County Attorney *mb*