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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
S. CURTIS KISER
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

March 5, 2010

Mr. Kevin S. Grube
Venture Out at Cudjoe Cay, Inc.
701 Spanish Main Drive
Cudjoe Key, Florida 33042

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COMMISSION
CLERK

Re: Docket No. 100065-SU: Application to provide wastewater service in Monroe County by Venture Out at Cudjoe Cay, Inc.

Dear Mr. Grube:

This letter is to follow up with our telephone discussion of February 22, 2010. Staff has reviewed your application for a certificate to provide wastewater service to 659 condominium owners in Cudjoe Key and it appears that the Florida Public Service Commission does not have jurisdiction over Venture Out at Cudjoe Cay, Inc. From the information provided to the Commission by Venture Out, it appears that this wastewater facility is exempt pursuant to Section 367.022(7), Florida Statutes:

Exemptions.- The following are not subject to regulation by the commission [Public Service Commission] as a utility nor are they subject to the provisions of this chapter, except as expressly provided:

(7) Nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives.

To complete our initial review of the application, staff would like Venture Out to verify the following information:

1. According to Chapter VI, Common Expenses and Common Surplus of the Declaration of Condominium provided as part of your application, wastewater service and other expenses are paid for by the condominium association then billed 1/659 to each of the condominium owners on a quarterly basis. Is this correct?

2. Chapter V, Voting Rights indicates that each condominium unit is entitled to one vote on condominium business. Is this correct?

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3. Does Venture Out at Cudjoe Cay have the nonprofit corporation designation of the Florida Department of State, Division of Corporations?

4. Does Venture Out at Cudjoe Cay provide any wastewater service to any other entity other than to the members of the condominium association? If yes, please describe to whom service is provided and what fees are charged?

You made reference to Laws of Florida that Venture Out at Cudjoe Cay felt applied to our jurisdiction. I did review Laws of Florida, 99-395 which amended Chapter 381 Florida Statutes and find nothing within that statute to give the Public Service Commission jurisdiction over Venture Out at Cudjoe Cay.

Please file the original and five copies of the requested information by Wednesday, March 19, 2010, with Ms. Ann Cole, Commission Clerk, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850. Alternatively, you may file a request with the Director, Office of Commission Clerk, to withdraw your application. Once this is received, we will start the process for refund of the \$1,500 application fee. If you have any questions, please feel free to call me at (850) 413-6230 if you have any questions.

Sincerely,



Lisa C. Bennett
Senior Attorney

LCB:th

cc: Office of Commission Clerk