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MEMORANDUM

February 8, 1995

TO: SCOTT EDMONDS, DIVISION OF LEGAL SERVICES  
 DIVISION OF RECORDS AND REPORTING

FROM: CHRISTINE TOMLINSON, DIVISION OF WATER AND WASTEWATER *CCM*

RE: DOCKET NO. 941044-WS; RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY DECLARING CHARLOTTE COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES - REQUEST FOR EXEMPTION FOR PROVISION OF WASTEWATER SERVICE BY SANDHILL PINES CONDOMINIUM ASSOCIATION, INC. *CTM*

On September 27, 1994, the Board of County Commissioners of Charlotte County adopted Resolution No. 94-195, pursuant to Section 367.171, Florida Statutes, declaring that as of September 27, 1994, the water and wastewater utilities in that County shall become subject to the provision of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. The resolution was acknowledged by this Commission on November 28, 1994, by Order No. PSC-94-1451-FOF-WS. Pursuant to Section 367.131, Florida Statutes, a utility subject to the jurisdiction of this Commission must obtain a certificate of authorization or an order recognizing the exempt status of the system.

ACK \_\_\_\_\_ On December 12, 1994, this Commission received an application  
 AFA \_\_\_\_\_ from the Sandhill Pines Condominium Association, Inc. (Sandhill or  
 APP \_\_\_\_\_ utility) for a nonprofit association exemption pursuant to Section  
 CAF \_\_\_\_\_ 367.022(7), Florida Statutes, and Rules 25-30.060(3)(g), Florida  
 CMU \_\_\_\_\_ Administrative Code. The primary contact person for Sandhill is  
 CTR \_\_\_\_\_ Bill Guht, Harborside Property Management Inc. The mailing address  
 EAG \_\_\_\_\_ for the above contact person is 3455 S. Access Road, Suite A,  
 LEG \_\_\_\_\_ Englewood, Florida 34224. The mailing address and physical  
 address for the utility is 1999 Kings Highway, Port Charlotte,  
 Florida 33980. The application was signed by Ms. Daisy Fendt,  
 president of the association.

LIN \_\_\_\_\_ The application was filed in accordance with Section  
 OPC \_\_\_\_\_ 367.022(7), Florida Statutes and Rules 25-30.060(1), (2), and  
 RCH \_\_\_\_\_ (3)(g), Florida Administrative Code. In addition, the applicant  
 SEC / \_\_\_\_\_ acknowledged Section 837.06, Florida Statutes, regarding false  
 WAS \_\_\_\_\_ statements. Included with the application was a statement that  
 OTH \_\_\_\_\_ Sandhill is a nonprofit corporation, that it will provide  
 wastewater service solely to members who own and control it, that  
 Sandhill will do the billing for such service, and that the service  
 area is located at 1999 Kings Highway, Port Charlotte, Florida  
 33980. Also included with the application were the Articles of  
 Incorporation as filed with the Secretary of State and the Bylaws

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which documents clearly the requirements for membership, and that the members' voting rights are one vote per unit of ownership. The Bylaws do not show when control passes to the nondeveloper members because it is currently 100% membership owned and the developer is not involved. Further, the utility provided a warranty deed as proof of ownership of the utility facilities and the land upon which the facilities will be located.

Based on the above, an order should be issued within thirty days approving Sandhill Pines Condominium Association, Inc.'s application for exemption pursuant to Section 367.022(7), Florida Statutes, as a nonprofit corporation. In the event of any change of circumstances or method of operation of its wastewater system, Sandhill or successor(s) in interest, should be ordered to notify the Commission within thirty days of such change so that its exemption status may be reevaluated. In addition the docket should remain open to process other exemption requests for Charlotte County.

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