

State of Florida

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DIVISION OF WATER &
WASTEWATER
CHARLES HILL
DIRECTOR
(904) 488-8482

Public Service Commission

March 10, 1995

Mr. Paul L. Brayton
2515 Highland Rd.
Harbor Heights, FL 33983

RE: Docket No. ~~95044-WS~~ Resolution of Board of Commissioners of Charlotte County declaring Charlotte County subject to provisions of Chapter 367, F.S. - Request for exemption for provision of water services by Charlotte Harbor Water Association.

Dear Mr. Brayton:

We have reviewed the Articles of Incorporation and the warranty deeds you submitted in response to our February 13, 1995 letter. However, there are remaining deficiencies which must be addressed. In order to grant Charlotte Harbor Water Association an exemption pursuant to Section 367.022(7), Florida Statutes, as a non-profit organization, following deficiency must be corrected:

Section A, Article II of the Articles of Incorporation indicates that Charlotte Harbor Water Association sells any surplus water remaining after the needs of its members have been satisfied. Rule 25-30.060(3)(g), Florida Administrative Code states: "For an exemption pursuant to Section 367.022(7), Florida Statutes, a statement from the corporation, association, or cooperative that it is non-profit; that it provides service solely to members who own and control it." We request proof which indicates that Charlotte is not currently selling its excess water to its members and doesn't plan to sell such water in the future to non-members. The proof can be in form of an affidavit. In addition, the affidavit should also indicate that there are no developers involved in the Association and transfer of control has occurred.

In addition, we have looked through the documents we received from you and didn't find any originals. Please indicate to us which copies are originals so we will be able to return them to you.

DOCUMENT NUMBER-DATE
2744
~~02798~~ MAR 18 1995
EPSC-RECORDS/REPORTING

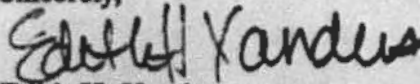
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It is the intention of the Florida Public Service Commission to expedite requests for exemptions. The above deficiencies must be corrected in order for us to complete the non-profit exemption pursuant to Section 367.022(7), Florida Statutes. Therefore, please submit the original and two copies of the above requested information by April 10, 1995, to Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida, 32399-0850. Please refer to Docket No. 941044-WS on your response. If you have any additional questions, please do not hesitate to contact Clay Zhang at (904)488-8482.

Sincerely,



Edith H. Xanders
Regulatory Analyst

cc: Division of Water and Wastewater (Hill, Zhang)
Division of Legal Services (Evonne Sager)
Division of Records and Reporting