



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: June 19, 1995

TO: Alice Crosby, Division of Legal Services
Division of Records and Reporting

FROM: Pat Brady, Division of Water and Wastewater *pb bsm*

RE: Docket No. 941044-WS: Resolution of 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 Water and Wastewater Service by Gulf View (R.V.) Resort

On September 27, 1994, the Board of 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 provisions 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 367.031, 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.

On March 31, 1995, a petition for public lodging establishment exemption from regulation by the Florida Public Service Commission was filed on behalf of Gulf View Resort (Gulf View) pursuant to Section 367.022(4), Florida Statutes. The application was signed by Mr. James Brussee who, as General Manager of Gulf View, is an authorized agent of the owners Wayne Rickert and Harry Van Der Noord, a partnership. The physical location and mailing address for Gulf View is 10205 Burnt Stove Road, Punta Gorda, Florida 33950. The mailing address for Mr. Brussee, the primary contact, is 1001 Riverside Drive, Palmetto, Florida 34221.

Gulf View is located in Charlotte County and provides both water and wastewater service for 188 R.V. lots. In accordance with Section 367.022(4), Florida Statutes, and Rule 25-30.060(3)(d), Florida Administrative Code, Mr. Brussee filed a statement that the water and wastewater services provided for transient R.V. lodging will be solely in connection with service to those guest. Subsequent discussions with Mr. Brussee revealed that 122 of the 188 lots are currently under some form of long-term lease. The remaining 66 lots are available for either lease or public lodging.

On June 19, 1995, Mr. Brussee submitted an additional application for a landlord-tenant exemption. Pursuant to Section 367.022(5), F.S. and Rule 25-30.060(3)(e), F.A.C., Mr. Brussee filed a statement that water and wastewater services are provided solely to tenants of Gulf View and attached a registration form which shows that charges for water

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and wastewater services are non-specifically contained in the rate charged. Since Gulf View uses the same registration form for both transient and long-term lodging, Mr. Brussee also provided an affidavit stating that there is no separate long-term lease and affirming that costs for water and wastewater services are included as a non-specific portion of the monthly rent. In both applications, Mr. Brussee has acknowledged that he is aware of the penalty pursuant to Section 837.06, Florida Statutes, for knowingly making false statements in writing with the intent to mislead.

Section 2.08(C)(14) of the Administrative Procedures Manual grants staff the authority to administratively approve requests for determination of exempt status that are clear-cut and without controversy. Staff finds the applications are in compliance with statutory requirements and without apparent controversy. Staff, therefore, recommends that an administrative order be issued finding Gulf View (R.V.) Resort exempt from Commission regulation pursuant to Sections 367.022(4) and (5), Florida Statutes.

Staff recommends that the order require the owners, agent, or successors of Gulf View (R.V.) Resort to notify the Commission within 30 days of any change in circumstances or method of operation of its water and wastewater system so that its exempt status may be reevaluated. ~~Furthermore, staff recommends that the order be amended to read:~~

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