



Public Service Commission

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

DATE: September 13, 1996

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

FROM: Patricia Brady, Division of Water and Wastewater *pb BBA crl*

RE: Docket No. 960586-WS, Request for exemption from Florida Public Service Commission regulation for provision of water service, non-jurisdictional finding for provision of wastewater service, in Orange County by Fairways Country Club.

On May 10, 1996, an application for an exemption from regulation by the Florida Public Service Commission was received on behalf of Fairways Country Club (Fairways) pursuant to Section 367.022(8) Florida Statutes, for provision of water service. Also filed was an application for a non-jurisdictional finding for provision of wastewater service. Fairways is owned by Chateau Properties, Inc. (Chateau). Chateau has recorded Fairways Country Club with the Department of State as a fictitious name. The application was signed by Mr. Robert S. Munro as the Utilities Director of Fairways and primary contact for the application. Included in the application was a letter from Mr. Leon Pilgrim, Regional Property Manager of Chateau, authorizing Mr. Munro to act on behalf of Chateau. The physical location and mailing address for Fairways and Mr. Munro is 14205 East Colonial Drive, Orlando, Florida 32826 (407/273-2360). This location is in Orange County.

The application for an exemption for water service was filed in accordance with Section 367.022(8), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(h), Florida Administrative Code. The application states that Fairways intends to provide water service to its residents at a rate or charge that does not exceed the actual purchase price. By signing the application Mr. Munro has acknowledged responsibility for the requirements of Rule 25-30.111, Florida Administrative Code, regarding annual reporting requirements as well as responsibility for the requirements of Section 367.122, Florida Statutes, and Rules 25-30.262 through .267, Florida Administrative Code, regarding the examination and testing of meters.

The application for a non-jurisdictional finding for wastewater service was filed in accordance with Section 367.021(12), Florida Statutes, and Rules 25-30.060(1), (2) and (3)(j), Florida Administrative Code. The application states that there is no charge for providing the service and all costs are treated and recovered as operational costs. Furthermore, Mr. Munro has acknowledged in both applications 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.

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recommends that the order find that Fairways County Club is not a utility pursuant to Section 367.021(12), Florida Statutes, for provision of wastewater service. Staff also recommends that the order require the current owner, or successor owner, of Fairways to notify the Commission within 30 days of any change in circumstances or method of operation of the water and wastewater systems which would cause the utility to be required to file for a certificate of authorization to provide utility service. Furthermore, staff recommends that this docket be closed.

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