

ORIGINAL

MEMORANDUM

February 6, 1998

TO : ALICE CROSBY, DIVISION OF LEGAL SERVICES
 DIVISION OF RECORDS AND REPORTING

FROM : STEPHANIE CLAPP, DIVISION OF WATER AND WASTEWATER *P/SCM R/W H*

RE : DOCKET NO. 951235-WS; RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY DECLARING MANATEE COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES - REQUEST FOR EXEMPTION FOR PROVISION OF WATER SERVICE BY PINEY POINT HOMEOWNERS, INC.

On October 10, 1995, the Board of County Commissioners of Manatee County adopted Resolution No. R-95-109, pursuant to Section 367.171, Florida Statutes, declaring that as of October 10, 1995, 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 9, 1995, by Order No. PSC-95-1393-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.

On December 4, 1995, this Commission received an application from Piney Point Homeowners, Inc., for a nonprofit association exemption pursuant to Section 367.022(7), Florida Statutes. After review of the application, Articles of Incorporation, Articles of Amendment to Articles of Incorporation, Bylaws and discussions with Mr. Herbert Hoover, primary contact, staff determined that Piney Point Homeowners, Inc., meets the necessary qualifications for a nonprofit association exemption finding as provided for in Section 367.021(12), Florida Statutes. The applicant will provide water and wastewater services for only Piney Point Homeowners, Inc. The water service is provided by a well, and wastewater service is provided by a treatment facility. Mr. Hoover's address, as well as, the physical address of the system is 8600 29th Avenue East, Palmetto, Florida 34221. The mailing address for the system is 8600 29th Avenue East, Box 279, Palmetto, Florida 34221-9653.

ACK _____

AFA _____

APP _____

CAF _____

CMU _____

CTR _____

EAG _____

LEG _____

LIN _____

OPC _____

RCH _____

SEC 1 _____

WAS _____

WTH _____

DOCUMENT NUMBER: 01950 FEB-6 88

FILED IN: 1998

Page Two
Docket No. 951235-WS

fees. Additionally, the applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

According to Section 2.08(C)(14), Administrative Procedures Manual, staff has been given administrative authority to approve clear-cut or non-controversial requests for determination of exempt status. Staff recommends that an administrative order be issued finding Piney Point Homeowners, Inc., exempt from Commission regulation pursuant to Section 367.022(7), Florida Statutes. In the event of any change of circumstances or method of operation, Piney Point Homeowners, Inc., or its successor(s) in interest, should be ordered to notify the Commission within thirty days of such change so that its exempt status may be reevaluated. Additionally, staff recommends that this docket should remain open for the processing of additional applications.

I: pineypt.sac