

MEMORANDUM

March 18, 1999

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CROSBY)  
 DIVISION OF WATER AND WASTEWATER (CLAPP) @ BSMGN

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 FROM FLORIDA PUBLIC SERVICE COMMISSION REGULATION FOR PROVISION OF WATER AND WASTEWATER SERVICES BY PINEY POINT HOMEOWNERS, INC.

On December 4, 1995, Piney Point Homeowners, Inc. (Piney Point) filed an application for exemption from Commission regulation pursuant to Section 367.022(7), Florida Statutes. The application, as filed, did not meet the requirements of Section 367.022(7), Florida Statutes, and Rule 25-30.060, Florida Administrative Code. The file was held open pending submission of information indicating that Piney Point qualified for exemption. Although Piney Point has endeavored to make the changes necessary to enable it to qualify for exemption as a nonprofit association, it still does not meet the requirements of Section 367.022(7), Florida Statutes.

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However, after reviewing the original application and additional information provided, it appears that Piney Point qualifies for exemption as a reseller pursuant to Section 367.022(8), Florida Statutes. Because Section 367.022, Florida Statutes, is self-executing, the Commission no longer issues orders finding an entity exempt.

By letter dated January 27, 1999, Piney Point, through its attorney, Mr. William R. Korp, informed the Commission of its qualification for a reseller exemption and requested to withdraw its application for exemption as a nonprofit corporation. The letter is attached for placement in the file.

Upon joint recommendation of the OPR Division and the Division of Legal Services, Section 2.07(C)(6)(d) of the Administrative Procedures Manual grants the Division of Records and

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FILED IN THE OFFICE OF THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS

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Reporting the authority to administratively close dockets in which the applicant seeks to withdraw its initial pleading. However, because this docket must remain open to process additional applications, Staff recommends that only the file involving Piney Point be closed. There are no pending issues that need to be addressed by the Commission regarding this filing, there is no filing fee involved, and no agency action needs to be taken.

alc

Attachment

**ABEL, BAND, RUSSELL, COLLIER, PITCHFORD & GORDON**  
**CHARTERED**

ATTORNEYS AND COUNSELORS AT LAW

**WILLIAM R. KORP**  
BOARD CERTIFIED REAL ESTATE ATTORNEYPOST OFFICE BOX 1614  
VENICE, FLORIDA 34284-1614  
TELEPHONE (941) 488-8388  
FAX (941) 488-8436

January 27, 1999

Ms. Alice Crosley  
Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

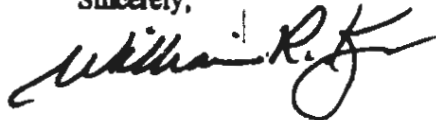
Re: Piney Point Homeowners, Inc.

Dear Ms. Crosley:

By virtue of the fact that Piney Point is in reality a bulk-sale purchaser from Manatee County that does not charge more than what it pays for the Manatee County water and waste-water treatment services, we require that our application for exemption as a non-profit corporation be withdrawn and the matter closed.

Thanking you for your kind assistance and patience in this matter.

Sincerely,



William R. Korp

WRK:PineyPt.ltr

cc: Piney Point Homeowners, Inc.