

State of Florida

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

Public Service Commission

January 12, 1995

Mr. Richard E. Sullivan
1401 S. MC Call Rd.
Unit 107-B
Englewood, FL 34223

RE: Docket No. 941044 - 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 wastewater service by Lemon Bay Breezes Condominium Association, Inc.

Dear Mr. Sullivan:

Pursuant to our telephone conversation on January 6, 1995, we believe that Lemon Bay Breezes Condominium Association, Inc. is not qualified for non-jurisdictional finding pursuant to Section 367.021(12), Florida Statutes and Rule 25-30.060(j), Florida Administrative Code, because the monthly fees for wastewater services is included in the maintenance fee. It appears to us that Lemon Bay Breezes Condominium Association, Inc. may qualify for an exemption pursuant to section 367.022(7), Florida Statutes and Rule 25-30.060(3)(g) Florida Administrative Code as a non-profit association. The statutory requirements for both exemptions are provided based upon your request.

Enclosed is an application form for non-profit association exemption pursuant to Section 367.022(7), Florida Statutes and Rule 25-30.060(3)(g), Florida Administrative Code. After you finish filling out the application, you need to file the original and two copies of the application, three copies of Articles of Incorporation as filed with the Secretary of State and Bylaws which clearly show the requirements for membership, that the members' voting rights are one vote per unit of ownership and the circumstances under which control of the corporation passes to the non-developer members. You also need to submit three copies of proof of ownership of the utility facilities and the land on which the facilities will be located, such as a warrenty deed, a 99 year lease, or a written easement.

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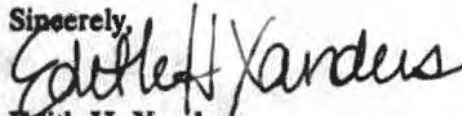
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Please complete the appropriate exemption application by February 6, 1995. If you have any questions, please feel free to contact Clay Zhang at (904) 488-8482.

Sincerely,



Edith H. Xanders
Regulatory Analyst

Enclosures

CC: Charles H. Hill, Director
Division of Legal Services (Alice Crosby)
Division of Records and Reporting

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