

STATE OF FLORIDA

Commissioners:
J. TERRY DEASON, CHAIRMAN
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

September 25, 2000

Kathryn G.W. Cowdery, Esquire
Ruden, McCloskey, Smith, Schustler & Russell, P.A.
215 S. Monroe Street, Suite 815
Tallahassee, Florida 32301

Re: Docket No. 000277-WS - Application for transfer of facilities and Certificates Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. d/b/a FFEC-Six to North Fort Myers Utility, Inc., holder of Certificate No. 247-S; amendment of Certificate No. 247-S; and cancellation of Certificate No. 309-S.

Dear Ms. Cowdery:

On September 18, 2000, the Commission's Division of Records and Reporting received a letter from the Pine Lakes Homeowners Association II, Inc. requesting leave to intervene in the above-referenced docket. I have enclosed a copy for your response because the letter does not indicate that a copy was mailed to you. Please respond by October 9, 2000. If you have any questions, please feel free to contact me at 413-6185.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Van Leuven".

Tyler Van Leuven
Staff Attorney

DTV/dm

cc: Division of Records and Reporting
(without enclosure)
Division of Regulatory Oversight (Johnson, Redemann)
Martin S. Friedman, Esquire
Mr. Alexander William Varga

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DOCUMENT NUMBER-DATE
12018 SEP258
FPSC-RECORDS/REPORTING

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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Legal ORIGINAL



Pine Lakes Homeowners Association II, Inc.

September 14, 2000

STATE OF FLORIDA
PUBLIC SERVICE COMMISSION
DIVISION OF RECORDS AND REPORTING
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 000277-WS
Application for transfer of facilities and Certificates Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. d/b/a FFEC-Six to North Fort Myers Utility, Inc., holder of Certificate No. 247-S, amendment of Certificate No. 247-S; and cancellation of Certificate No. 309-S.

Pursuant to Rule 25-2.039, Florida Administrative Code, we are requesting that we be recognized, on behalf of the members of the Pine Lakes Homeowners Association II, Inc. (HOA II), as an Intervenor in the referenced Case pending before the Public Service Commission.

HOA II is the association that represents over 1,000 residents on 584 lots who own homes on leased land in the Pine Lakes Country Club community, North Fort Myers, Florida.

The interests of these residents will certainly be affected by any determination resulting from the proceedings in this case. The negative publicity concerning the purchasers of our water system and waste treatment plant — North Fort Myers Utility, Inc. — has given us considerable concern. Unfortunately, we were not notified of the potential bankruptcy of this company by any official entity of the PUC, but learned of it from newspaper articles in the Fort Myers News Press and local newspapers. The president of our association was copied on a letter dated June 15, 2000 from D. Tyler Van Leuven, PSC Staff Attorney to Leon J. Beekman, President of the Pine Lakes Estate Homeowner's Association, in which it was stated that an agenda conference was scheduled for July 11, 2000. In that letter, he also noted that a copy of the staff's recommendation would be included with notification of the agenda conference. Ms. Troiano was not copied on any further correspondence after that date, probably because we were not a party to the complaint. In addition, we learned just this week that our waste treatment plant is not in compliance, and in fact, MHC has

- APP _____
- CAF _____
- CMP _____
- COM 3 _____
- CTR _____
- ECR _____
- LEG 1 _____
- OPC _____
- PAI _____
- RGO 1 _____
- SEC _____
- SER _____
- OTH 1 _____

DOCUMENT NUMBER - DATE
11696 SEP 18 2000
FPSC-RECORDS/REPORTING

Jermaine Troiano, President/Dick Arsenault, Vice President/Mary Aderman, Treasurer/Ginny Stover, Secretary
Directors: Larry Burkett/Walt Goerg/Clem Lindsten/Bob Wurst

already paid a substantial fine of \$9,000 and have been notified that a fine of \$10,000/day will take effect if the plant is not brought up to standard by December 1, 2000.

Attorney Van Leuven also stated that he would mail Mr. Beekman a copy of the staff's recommendation after filing, along with a letter informing him of the date of the agenda conference.

We now know that that conference was postponed until August. Our association was not copied on any subsequent correspondence between PSC representatives and Mr. Beekman so we were unaware of the activities surrounding this case. We do not believe that Attorney Van Leuven purposely omitted us from the cc: list, but think it was left off because we had not filed an objection of our own, and therefore HOA was not listed as an interested party.

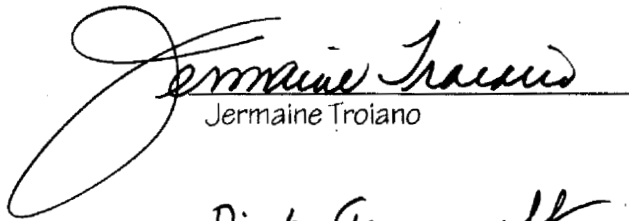
The main reason for our "lack of interest," as stated by Mr. Varga at the PLEHOA board of directors meeting this past Monday, was because our president had spoken with Stephen Reilly of your Division of Consumer Affairs several times over the course of six weeks or so back when the transfer of ownership first became public. After talking with him, she felt comfortable with this transaction and did not think it was necessary to file an objection. There was even discussion about the possibility of Lee County purchasing the utility, which Mr. Reilly indicated would "be a good thing," but of course the publicity concerning the anticipated purchase price prevented that transaction from going forward.

We regret that Mr. Varga, a resident of the PLEHOA community (those who own their homes and land), chose not to inform us of his actions so that we might have joined him in his attempt to forestall this sale. We do, however, commend him for his persistence in this regard. There are 281 homes in the subdivision and 584 in the section where residents own their homes, but lease the property. We do have an umbrella association, the Pine Lakes Residents Organization, but it has not been active this year due to the reorganization of the PLEHOA in February of this year. Our president is the acting Chair of that group and we are in the process of making recommendations to amend the bylaws to include the changes made in the PLEHOA, but they are not completed as yet.

We appreciate your attention to our request, and assume that we will receive confirmation of our wishes to be named intervenors in this case.

Sincerely,

PINE LAKES HOMEOWNERS ASSOCIATION II, INC.
Board of Directors

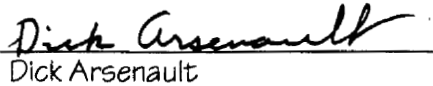


Jermaine Troiano

President

19419 Saddlebrook

N. Fort Myers, FL
33903

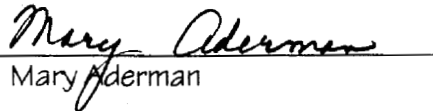


Dick Arsenault

Vice President

19025 Mangrove Bay

N. Fort Myers, FL
33903




Mary Aderman

Treasurer

19391 Sun Air

N. Fort Myers, FL
33903



Ginny Stover

Secretary

195³~~2~~⁽⁶⁾4 Ravines

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33903

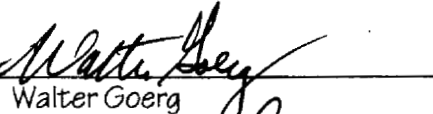


Larry Burkett

Director

10571 Circle Pine

N. Fort Myers, FL
33903

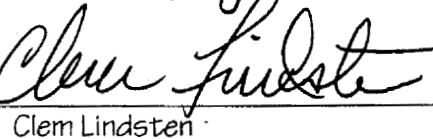


Walter Goerg

Director

10841 Meadows

N. Fort Myers, FL
33903

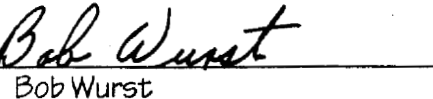


Clem Lindsten

Director

10940 Hidden Hills

N. Fort Myers, FL
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Bob Wurst

Director

10928 Hidden Hills

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