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1**9808 Frenchman's Court** North Fort Myers, FL 33903

Mr. D. Tyler Van Leuven Staff Attorney Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

October 2, 2000

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Docket 000277 W-S

Dear Mr. Van Leuven:

In answer to your letter of September 25, 2000, that I respond to the request by Pine Lakes Homeowners II, Inc. (HOA II) to enter the above captioned transfer case, as intervenors, in their letter dated September 14, 2000, I will attempt to define the situation as I see it.

- Mrs. Troiano, writing for HOA II, has several times stated in her letter, that the HOA II was not notified of the potential bankruptcy of North Fort Myers Utilities, Inc. by the PUC (sic), the Pine Lakes Estates Home Owners Association, the PSC or myself and claims she only learned of the prehearing conference of July 11, 2000 by a copy of a letter from PSC (yourself) to Leon Beekman, President of Pine Lakes Estates Home Owners Association, Inc. (PLEHOA), dated June 15, 2000. This is somewhat inaccurate.
- a) By her own admission Mrs. Troiano had lengthy discussions with Steve Reilly, of the Office of Public Counsel, in late March and early April. At that time Mr. Reilly stated that he was unaware that there was another entity representing residents of Pine Lakes, namely the PLEHOA. Following those discussions, Mrs. Troiano opted not to object to the proposed transfer.
- b) On April 12, 2000, the 1998 Annual Report for North Fort Myers Utilities, Inc. (NFMU), revealing operating revenues of "zero" and long term debt of \$14,121,382, was published in the Lee County Examiner, a newspaper freely distributed in the Pine Lakes clubhouse. Not easy to miss if you have "considerable concern" as she states.
- c) In a letter dated May 18, 2000, Mr. Leon Beekman President of the PLEHOA asked to intervene, although his request was obviously not timely. On this date, he distributed more than a dozen informational packets, including the PSC and others, which contained many of my e-mails and newspaper articles regarding the ongoing scandals involving NFMU, MHC Systems, Inc., the Lee County Board of Commissioners, the Lee County Commissioner of Public Works, Gulf Utilities and several smaller utilities. Mrs. Troiano was a recipient of this package, as she was listed to receive a carbon copy.
- d) On August 21, 2000, an e-mail was sent to Mrs. Troiano and others who expressed, or should have expressed, an interest in the proposed transfer, giving detailed instructions on how to access the PSC websited and how to view and listen to the upcoming August 29, 2000 conference hearing. Those individuals who were truly "concerned" were rewarded with an informative exposition of the transfer situation.
- e) On September 11, 2000, I delivered an audio-visual presentation at the PLEHOA board meeting. The agenda for this meeting was lawfully posted in the clubhouse. Those attending the meeting included four members of the HOA II community, but *not one member of their nine member Board!*
- f) On September 12, 2000, I discovered at the Department of Environmental Protection, the deplorable, and illegal condition of the Lake Fairways/Pine Lakes wastewater facility, known as MHC Systems, Inc. d/b/a FFEC-Six, which I reported to you by e-mail (and RAR) on September 14, 2000, the same day HOA II requested intervention.

Perhaps, I could have been more diligent in keeping HOA II informed, but I did get the clear impression that they were <u>not interested in opposing Manufactured Home Communities or NFMU</u>, until it became obvious that I was making some headway in my opposition to the transfer. Many of the members of HOA II were beginning to wonder, what if any action their board was going to take.

Another aspect of Mrs. Troiano's letter, which may not be relevant to the PSC, or the transfer process, is her implied assertion that she represents <u>all</u> the households in Pine Lakes through an imagined <u>"acting</u> <u>chairmanship"</u> of an umbrella organization entitled the Pine Lakes Residents Organization (PLRO). At one time, the PLRO Board consisted of the Boards of HOA II and the Pine Lakes Subdivision, Inc., two <u>voluntary</u> <u>dues paying</u> associations. In October, 1999, the Subdivision, Inc. was legally dissolved, by a vote of its membership, and the Board of HOA II duly notified. A fact duly filed in The Articles of Dissolution in Tallahassee, by our attorney, Joe Adams, of Becker and Poliakoff, P.A., The Colonnades, Bell Tower Drive, Fort Myers, FL 33907, in February, 2000. Since there is no "Subdivision, Inc." there <u>cannot be</u> a PLRO.

Mrs. Troiano, however, authorized the payment of sixty-odd dollars to pay the licensing fee of this nonexistent and defunct organization. It is highly unlikely that the residents of the 281 owned lots, who are now *mandatory* members of the PLEHOA would ever agree to dilute or sacrifice their statutory rights (under Florida Statute 617) and give up our rights to negotiate with our management company (currently MHC) and to approve or disapprove our annual budget. While a single harmonious organization might be socially and philosophically desirable, it would be a disaster, both legally and financially, for both the PLEHOA and the Homeowners II Boards. In any event, the formation of any combined group (like the PLRO) would require a vote of each groups' membership, with a plurality of either two-thirds or three-quarters.

I am forwarding this letter by U.S. Mail to Ms. Blanca Bayo, Director, Division of Records and Reporting, as well as to Martin Friedman, Ms. Katherine Cowdery, Mr. Leon Beekman and Mrs. Jermaine Troiano. Thank you again for you attention,

Very truly yours,

Wesander William Varga

Party of Record

cc: Leon Beekman - President, Pine Lakes Estates Home Owners Association, Inc. (via U.S.Mail)

Jermaine Troiano - President, Pine Lakes Homeowners II, Inc. (via U.S.Mail)

Martin Friedman (via U.S. Mail)

Kathryn Cowdery (via U.S.Mail)

Jack Shreve - Office of Public Counsel (via U.S. Mail)

Blanca Bayo - Director, Division of Records and Reporting PSC (via U.S. Mail)