



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

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**DATE:** August 28, 2002

**TO:** Division of the Commission Clerk and Administrative Services

**FROM:** Patricia Brady, Division of Economic Regulation *pb*

**RE:** Docket No. 020640-SU - Application for certificate to provide wastewater service in Lee County by Gistro, Inc.

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Please add to the docket file the attached facsimile dated 8/23/02 from Martin S. Friedman, Esq., for Bonita Springs Utilities, Inc., to Pat Brady, Commission staff, which transmits three letters relating to the allegation that the utility is attempting to charge for service without Commission approved rates and charges.

**Attachment**

**cc:** Division of Economic Regulation (Redemann)

Office of the General Counsel (Gervasi)

Division of the Commission Clerk and Administrative Services (Security File)

DOCUMENT NUMBER DATE

09086 AUG 28 2002

FPSC-COMMISSION CLERK

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REPLY TO ALTAMONTE SPRINGSFACSIMILE COVER SHEETTO: MS. PAT BRADY  
c/o Florida Public Service CommissionFAX: (850) 413-6687PHONE: (850) 413-6686FROM: MARTIN S. FRIEDMAN, ESQUIRE

DATE: August 23, 2002

NO. PAGES: 6MATTER NO.: 20989.25/Bonita SpringsCOMMENTS:

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Please notify us immediately if not received properly:  
(850) 877-6555

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REPLY TO ALTAMONTE SPRINGS

August 23, 2002

VIA FACSIMILE & U.S. MAIL

Robert B. Burandt, Esquire  
Roosa, Sutton, Burandt, Adamski & Roland, LLP  
1714 Cape Coral Parkway  
Cape Coral, FL 33904

RE: Bonita Springs Utilities, Inc.  
Our File No. 20989.25

Dear Mr. Burandt:

Over the last several days, Bonita Springs Utilities has received several complaints regarding concrete being poured into pipes to seal off wastewater service to several homes in the Forest Mere Subdivision. It was our understanding as memorialized in Bill Sundstrom's August 13, 2002, letter to you, a copy of which is enclosed, that there would be no disconnection of service while BSU inspected the collection system with the ultimate goal of resolving service to the residents at the Forest Mere Subdivision in an amicable manner. Apparently that agreement did not get conveyed to Mr. Holzberg as I have a copy of an August 14, 2002, letter from Mr. Holzberg to Mills Venture, a copy of which is enclosed, advising that Gistro, Inc., will disconnect the three homes built in the subdivision by the Builder, and that the other two homes would be disconnected within thirty days after July 31, 2002.

Frankly, there are two aspects to this issue which I believe Mr. Holzberg does not understand. First, it is my understanding that Mr. Holzberg effectuated discontinuance of sewer service by pouring concrete into a clean-out line which, although it may be in the Utility Easement, is the service lateral to the residents' homes and thus the property of the residents. If that understanding is accurate, then Mr. Holzberg's ability to disconnect those homes in that matter cannot be legally accomplished. Secondly, Mr. Holzberg is acting in all respects as if he were a public utility, however, not having received a certificate from the Public Service Commission, he is subjecting himself to potential penalties as referenced in the PSC Staff's recent letter to him.

Robert B. Burandt, Esquire  
August 23, 2002  
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I think this matter has gotten completely out of hand and the only way for all of the parties to regain control is to comply with the intent and understanding as set forth in Bill Sundstrom's letter to you of August 13, 2002. We had hoped not to have to further correspond regarding this issue, however, Don Thomson advises me that his calls to you over the last several days have not resulted in any returned calls.

Very truly yours,



MARTIN S. FRIEDMAN  
For the Firm

Dictated by Mr. Friedman  
but signed in his absence  
to avoid delay in mailing.

MSF/dmp

cc: Mr. Fred Partin (w/enclosures) (via facsimile)  
Don Thomson, Esquire (w/enclosures) (via facsimile)  
Rosanne Gervasi, Esquire (w/enclosures) (via facsimile)  
Ms. Pat Brady (w/enclosures) (via facsimile)

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ROBERT M. C. ROSE  
WAYNE L. SCHIEFELBEIN  
OF COUNSEL

August 13, 2002

Via Facsimile and MailRobert B. Burandt, Esq.  
Roosa, Sutton, Burandt, Adamski & Roland, LLP  
1714 Cape Coral Parkway  
Cape Coral, Florida 33904

Re: Gistro, Inc. \ Bonita Springs Utilities, Inc.

Dear Bob:

This letter is further to our telephone conferences of even date, wherein Don Thomson and I have requested, and you have, on behalf of your client, granted to Bonita Springs Utilities, Inc. (BSU) permission to inspect the wastewater collection lines and lift station(s) located within the Forest Mere Subdivision. Pat Jennings, P.E., from Bonita Springs Utilities, will shortly be coordinating and overseeing that inspection.

This letter will further confirm our agreement that the information gathered in the course of the inspection will be considered as confidential between BSU and Gistro, Inc. and that BSU will indemnify and hold harmless your client from any damage to your client's property occasioned by BSU or its agents in the course of such inspection.

The purpose of the inspection is for BSU to form an opinion as to the condition of the subject lines and facilities, with a view that the parties might negotiate a universal settlement of all issues outstanding between BSU, Gistro, Inc. and all interested third parties relative to the ownership and use of such lines now and in the future, by BSU's purchase of whatever interest your client has in those lines. Alternatively, BSU will consider working with your client toward developing a mutually acceptable bulk service arrangement.

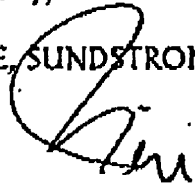
This letter will further reiterate our client's request that you contact Mr. Hal Vanvo and Mr. and Mrs. Terry Kyle and inform them that you will hold your requested discontinuance of wastewater service to their homes in abeyance while the parties attempt to work out a mutually acceptable solution to the problem.

Robert B. Burandt, Esq.  
August 13, 2002  
Page 2

Thank you for your cooperation and assistance in this regard. Should you have any questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,

ROSE SUNDSTROM & BENTLEY, LLP



William E. Sundstrom, P.A.  
For the Firm

WES:jmt

cc: Fred Partin  
Pat Jennings  
Don Thomson  
David Owen

Aug 21 08 04:54p

BSU Bernwood

(239) 992-8032

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08/22/2002 14:41

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MILLS VENTURE GROUP

PAGE 01/01

To Mr) -992-8032

**GISTRO INC.**  
A FLORIDA CORPORATION

PO BOX 110 131  
NAPLES FLORIDA  
34108  
(239) 495 8089 voice  
(239) 495 8089 fax  
Email hfbag@cs.com

August 14, 2002

Danny Mills

Mills Venture  
26564 Old U.S. 41  
Bonita Springs Florida 34135

RE: Regarding disconnected homes  
and future connections.

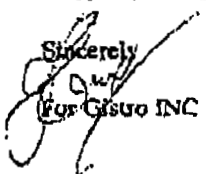
Dear Mr. Mills

Please be advised that 3 of your 5 homes you have build in the Forest Mere subdivision, are disconnected from our lines. Should you try to reconnect this houses again to our lines, we will disconnect this houses again and request your arrest and file all possible complains against you and your Company.

The 2 other homes you also connected without Gistros consent, and sold, will also be disconnected 30 days after July 31, 2002

Be aware that the 2 owners of this homes are presently committing a misdemeanor by stealing of services from Gistro INC

Please remit the disconnect cost of \$ 225.00

Sincerely  
  
For Gistro INC