AUSLEY & MCMULLEN

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July 3, 2003

ORIGINAL

HAND DELIVERED

Ms. Kay Flynn, Chief Bureau of Records and Hearing Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re: Complaint of The Links Homeowners Association, Inc. against Tampa Electric Company; FPSC Docket No. 021051-EI

Dear Ms. Flynn:

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OTH

Enclosed is a package of information requested by the Staff during the June 18, 2003 conference call between the Staff and the parties to this proceeding. This package is accompanied by a summary of what is contained in the exhibits.

Tampa Electric believes that the Staff's assessment of this situation reflected in its April 3, 2003 recommendation to the Commission remains sound and is supported by the company's records. Tampa Electric at all times has acted in accordance with requests made on behalf of The Links subdivision. Those requests evolved through time as is always the case with the development and eventual population of a new subdivision. The company complied with the developer's request and ultimately the request made on behalf of The Links Homeowners Association itself. In this regard, Item 5 of Exhibit "B" in the enclosed materials makes clear that The Links Homeowners Association was billed for the street lighting service Tampa Electric provided at the request of Ms. Dee Anne King, the very same individual who acted on behalf of the Association as its licensed property manager in the Affidavit submitted to the Commission under Mr. Appleton's letter of May 2, 2003.

As the Staff observed in the March 20 recommendation, it is undisputed The Links has been receiving the benefits of street lighting provided by Tampa Electric during the period of time in question down through today. Tampa Electric also shares the belief that neither Tampa Electric nor its general body of customers should be made to absorb costs on account of any miscommunications between The Links and its developer. Simply put, the benefit the subdivision has received should not be subsidized by Tampa Electric or born by its other customers.



DOCUMENT NUMBER - DATE

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During the recent conference call between the Links, Tampa Electric and the PSC Staff, a new issue was raised regarding the authority of the Links Homeowner's Association to legally take on the responsibility for the lighting agreement entered into with Tampa Electric. There can be no reasonable doubt as to the authority of the Links, as a Florida Not For Profit Corporation, to contract with Tampa Electric for lighting service and to compel the members of the Association to pay the Commission-approved tariff charges for that service. Furthermore, there can be no reasonable doubt as to the ability of a developer, prior to the transfer of control of the association to homeowners, to enter into contracts that are binding on the Association, so long as such contracts are fair and reasonable.

The Links Homeowners' Association, Inc. was incorporated on December 19, 1995 as a not for profit corporation under Chapter 617 of the Florida Statutes. Pursuant to Section 617.0302, Florida Statutes:

"Every corporation not for profit organized under this act, unless otherwise provided in its articles of incorporation or by-laws, shall have power to: ...

(7) Make contracts and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds and other obligations, and secure any of its obligations by mortgage and pledge of all or any of its property, franchises or income..."

Article III of the Links Articles of Incorporation, attached hereto as Exhibit D, provides, in relevant part, that:

"The Association shall have all of the powers given to corporations not for profit by the Florida Statutes and all of the powers expressly conferred upon it by the Declaration, together with all powers necessary to fulfill all such stated powers and the duties expressly given to it by such Declaration. These powers include, but are not limited to, the power to:

A. Maintain, repair, improve and insure the Common Area as defined in the Declaration and all other real or personal property which the Association owns or which it has assumed the obligation to maintain; ...

B. Make and collect assessments from its members;

C. Pay all Association expenses; ...

G. Enforce the terms of the Declaration, these Articles, and the By-Laws of the Association; . . .

I. Contract for operation and maintenance services; ...

M. Take any other action necessary for the purposes for which the Association was formed."

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Pursuant to Section 720.309, Florida Statutes, which deals specifically with the organization and operation of Homeowners' Associations:

"Any grant or reservation made by any document, and any contract with a term in excess of 10 years made by an association before control of the association is turned over to the members other than the developer, which provide for operation, maintenance, or management of the association or common areas must be fair and reasonable."

In this case there can be no question as to the reasonableness or fairness of the contract involved since the "contract" is a Commission-approved tariff. In summary, the Links, as a not for profit corporation, clearly had the power to contract with Tampa Electric for lighting service and the developer clearly had the ability to bind subsequent homeowner- members of the Links with regard to a contract for the provision of outdoor lighting in the common areas of the Links subdivision.

We appreciate your assistance in connection with this matter. Should you have any questions or desire further information, please feel free to call.

Sincerely Lee/L.

LLW/pp Enclosure

cc: Eric N. Appleton (w/encl.) Lorena A. Holley (w/encl.) Connie Kummer (w/encl.)

Tampa Electric Company's Response to FPSC Staff Inquiry on June 18, 2003 Regarding Complaint of The Links Homeowners Association, Inc.

Summary of Exhibits

Exhibit A

Street Lighting Contracts for Bloomingdale AA&GG Unit 3 Phase 2 (Phase 2 of The Links subdivision)

Exhibit B

Copies of Activity File Print for Account No. 1800 0030631 showing the following:

- 1.) 7/12/96 Turn-on order for Brandon Property Owners for street lights located in The Links (Phase II) based on the lighting contract.
- 2.) 4/25/97 Change in mailing address to P.O. Box 489, Riverview, FL 335690489 based on correspondence.
- 3.) 11/19/98 Change in mailing address to Buschwood Park, Tampa, FL 336184435 based on correspondence.
- 4.) 3/2/99 Transfer of Account No. 1800 0030631 from Brandon Property Owners to Bristol Green (New Account No. 1800 0030632) Mailing address remains Buschwood Park, Tampa, FL Request was faxed.
- 5.) 3/28/01 Transfer of Account No. 1800 0030632 to The Links HOA (New Account No. 1800 0030633) at mailing address P.O. Box 1058, Ruskin, FL, 335701058 ordered by Dee Anne King.

Exhibit C

Copy of Work Order for installation of street lights for Bloomingdale AA& GG Unit 3 Phase 2

Exhibit D

Links Articles of Incorporation

Exhibit A

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STREET LIGHTING CONTRACT

No. <u>124</u> _____

THIS AGREEMENT MADE THIS <u>2nd</u> day of July <u>19.96</u>,

between Brandon Properties Partners, Ltd. 611 West Bay St. Tampa, Florida 33606 herein called the Customer, and

TAMPA ELECTRIC COMPANY, A Florida Corporation, herein called the Company,

WITNESSETH

That the Company, in consideration of the Customers's undertakings hereunder, including making the payments herein provided for, agrees to furnish and install, at its expense, at the locations shown on the drawing, designated as Lighting Plan Number <u>12</u> attached hereto, the street lighting equipment described as follows, to wit:

Fifteen (15)100 Watt HPS Cobrahead Street Lights Rate 672 on Concrete Poles Rate 607 served by underground wiring, at Bloomingdale AA&GG Unit 3 Phase 2.

The Company agrees to burn said lights approximately 4,200 hours per year and to maintain said equipment and the lines service the same in operating order at all times practicable and reasonable. The Customer agrees to pay the Company the sum of:

Rate 672/607 \$189.48 per unit per year pre-tax total.

to wit, the total sum of \$2,842,20 per annum, plus fuel adjustment and (where applicable) franchise fees and taxes. Such total sum to be payable in monthly installments for a period of not less than five (5) years after the installation is completed. Further, the Customer agrees to deposit with the Company the additional cash sum of \$500,00 which is equivalent to two (2) months service under this contract, or upon acceptance of the Company, place a surety bond or an irrevocable letter of credit, from a local bank, with the Company in the same amount. The Company will annually credit the Customer's bill with an interest amount designated and approved by the Florida Public Service Commission on a cash deposit.

This agreement shall remain in force: (1) for a term of five (5) years beginning on the date all lights are installed and burning; or (2) until such time as a Special Street Light Tax District has been legally formed, assumed all obligations of Customer permitted by law in this agreement and has collected sufficient taxes to pay Company for the continuation of the service provided for herein. The event (1) or (2) occurring first shall control. No additional lighting will be furnished except by mutual agreement of the Customer and Company.

Whenever the Company's engineers decide that the proposed installation requires that the service lines necessary to supply energy to said street lighting equipment shall be erected on private property, the Customer shall obtain, without cost to the Company, adequate written or sufficiently dedicated easements for the purpose of making said installation and maintaining same.

The Customer agrees to reimburse the Company for any expense incurred by the latter in changing the installation at the Customer's request.

Title to all equipment furnished hereunder shall remain in the Company at all times and may be removed by it at the expiration of this agreement or upon sooner termination of the same for any reason.

Payment for the deposit shall be made simultaneously with the signing of this contract. All bills shall be due

when rendered, and upon default of the payment thereof within such reasonable time, not to exceed one (1) month, as the Company may require, all obligations of the Company to perform hereunder shall forthwith terminate and it may take such legal action as may be deemed advisable because of the Customer's breach of performance

The rates and services of the Company are subject to regulation by the Florida Public Service Commission, and in the event that commission or any other regulatory body having jurisdiction in the premises, in the exercise of its lawful authority, shall order any increase or decrease in the standard rate schedules of the Company applicable to the service herein contracted for, it is distinctly understood by the Customer that such order shall apply to the rate herein specified.

The agreements herein contained shall inure to the benefits of and be binding upon the respective successors and assigns of the parties hereto.

IN WITNES	S WHEREOF,	the parties hereto	have caused this instrument to	o be executed in due form
required by law this _	198 day of	<u>197</u>	, 19	

Signed in the presence of

Witnesses as $t\theta$ execution by the Customer

TAMPA ELECTRIC COMPANY By:

Signed in the presence of:

Witnesses as to execution by the Company

Exhibit B

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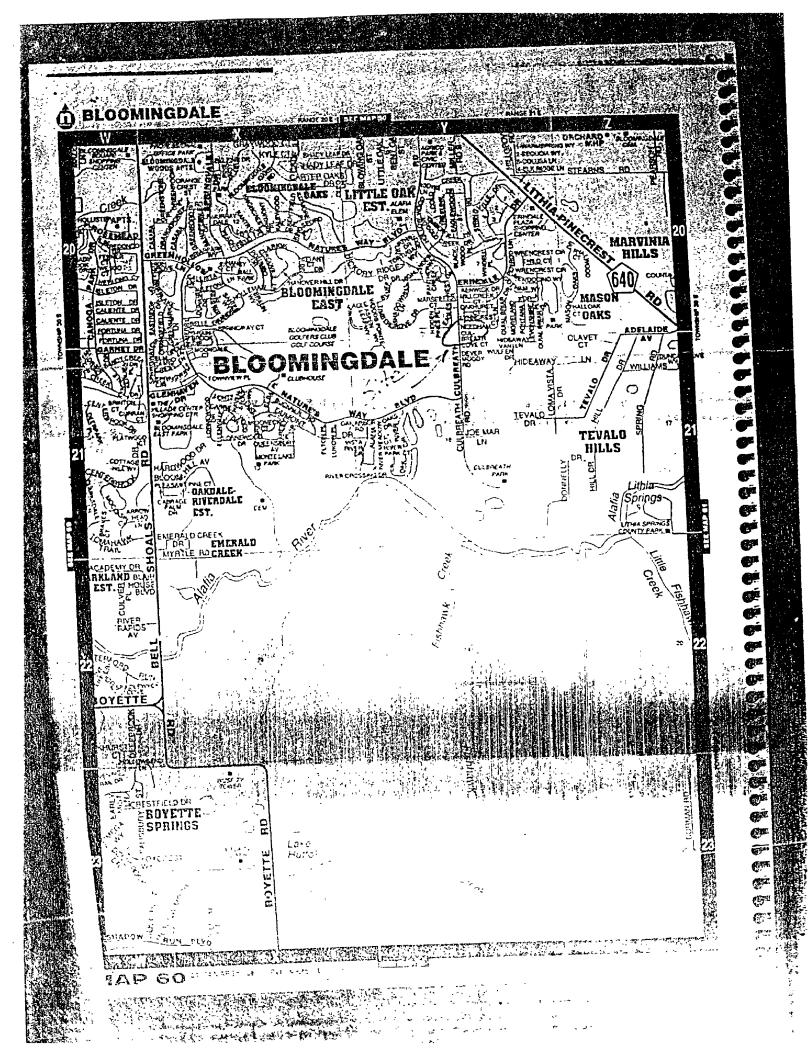
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No. l



PERMIT # BULOO2887

HILLSBOROUGH COUNTY RIGHT OF - WAY USE PERMIT

Mtc. Service Unit #:

Name of Road Culbreath Rd.

Sec. ____ Twp. Rae

Location: Culbreath Rd. north of Culbreath Cove

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Will the proposed utility installation be within the limits of a proposed County Project? CIP#_ Yes_ No X___

If Yes, what type? __ Road Improvement __ Water/Wastewater Improvement __ Stormwater _ Scenic Corridor _ Intersection Improvement _ Other

Will the proposed facility be dedicated to the County? No χ_{-} Yes _ Access Connection? No Yes If yes, what type? Type I Type II

Tampa Electric Company Permission is hereby granted to _ Telephons # 228-4704 for the construction and Address P.O. Box 111 Tampa, FL 33601 maintenance of Directional bore new underground conduit w/ cable to serve Bloomingdale Unit 3 Phase 2

Subject to the following conditions:

2.

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The applicant declared that prior to filing this application that he has ascertained the location of all 1. existing utilities both aerial and underground and the accurate locations are shown on the plans. As to the letters of notification were mailed on 6-5-96 following utilities/municipalities: Hillsborough County Utilities, General Telephone and Time Warner

Cable The construction and maintenance of such utility shall not interfere with the property and rights of a prior occupant.

All work shall be done in keeping with standards approved by the County Engineer of Hillsborough County, Florida, and under the supervision of said County Engineer or representative.

All materials and equipment shall be subject to inspection by said County Engineer or representative. All construction shall be performed in a manner meeting the approval of the County Engineer of Hillsborough County and to Safety Standards as prescribed by Manual on Uniform Traffic Control Devices and Hillsborough County shall be relieved of all responsibility from damage of any nature ansing from issuance of this permit.

It is understood and agreed that the rights and privileges the 14 of the County & hold, the product of the State of the State of the State of the County of the State of the

or attempted exercises by said permittee of the aforesaid rights and privileges All Hilsborough County property and/or rights-of-way shall be restored to original condition as far as

practicable and meeting the approval of the County Engineer or representative. All overhead installations shall conform to clearance standards of the Florida Department of Transportation (FDOT), and all underground crossing installations shall be installed at a minimum cepth of thirty-six (36) inches below the pavement at least thirty (3) inches below ditch grade. Cable TV and communication lines hall be installed a minimum of twenty-four (24) inches below existing grade. Exceptions may be made in special cases by authority from the County Engineer or

The attached sketch or sets of plans covering details of this installation shall be made a part of the vermit

HILLSBOROUGH COUNTY Florida Office of the County Administrator 2 5 996 Daniel A. Kleinan . Senior Autom CUNTY COMMISSIONERS بوافية العرار Otini Sale and Ballante Edwin Hunseker 1. S. S. Creves Johnson Jammie Keel Robert Taylor PERMIT APPROVAL Permit Number: RK 002887 ECTRIC COMPANY Applicant: TAMPA E OFIDA \$33601 PA. Name of Road: Approved: Disapproved:_ PER FLAN. Comments: Fee: \$17, Special Conditions: Notify South 1) Service Unit, Phone Number 71.7619 forty-eight (48) hours in advance of starting construction and again immediately upon completion. Contact person: Prior to an open cut or jack & bore operation a twenty four (24) hour botice must be given to the above referenced maintenance only. 2) All works is to be in accordance, with the Hillsborough County Utility Accommodation Succession, the Manual of Traitic Control and Safe Practices.) Appreval Date: 73.96 States 1 -----TITING E KINGER I on Caller Box (11) have governed as the and the second second second

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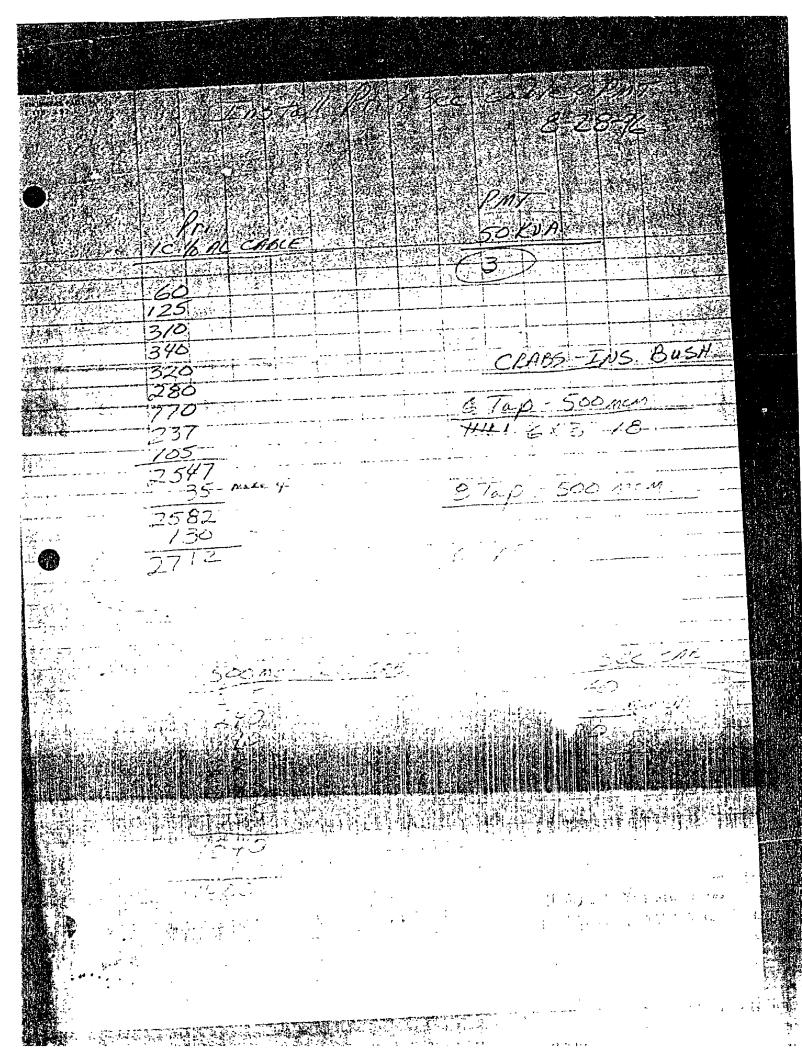
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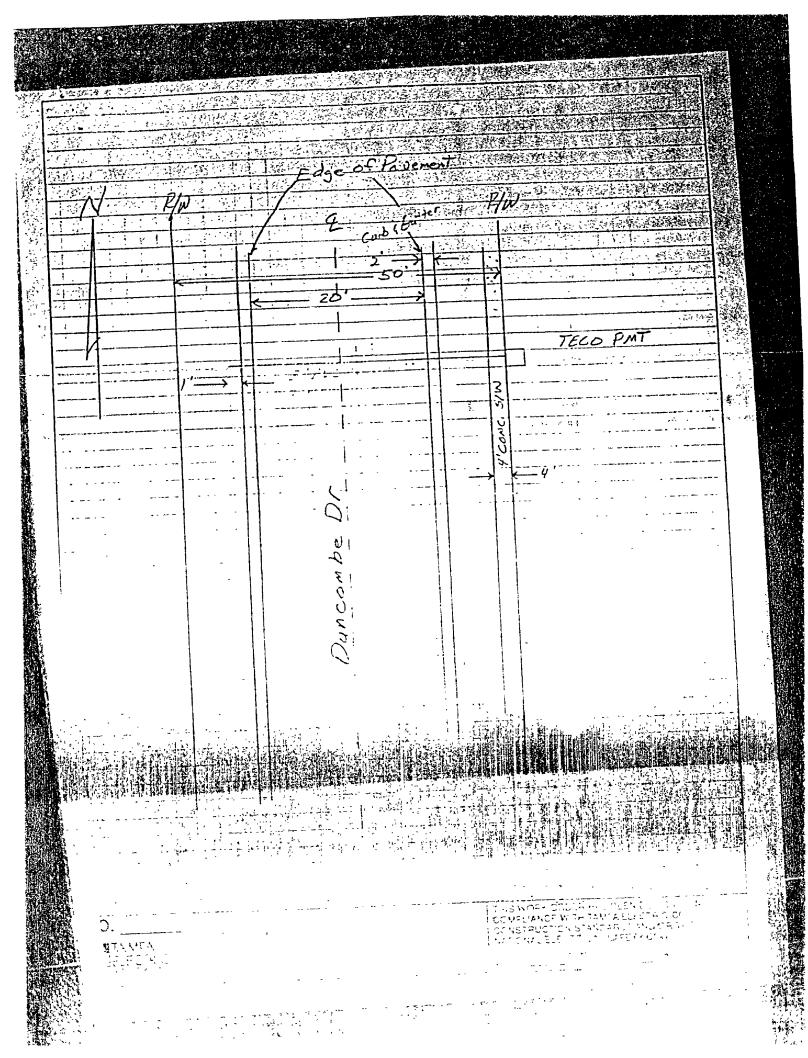
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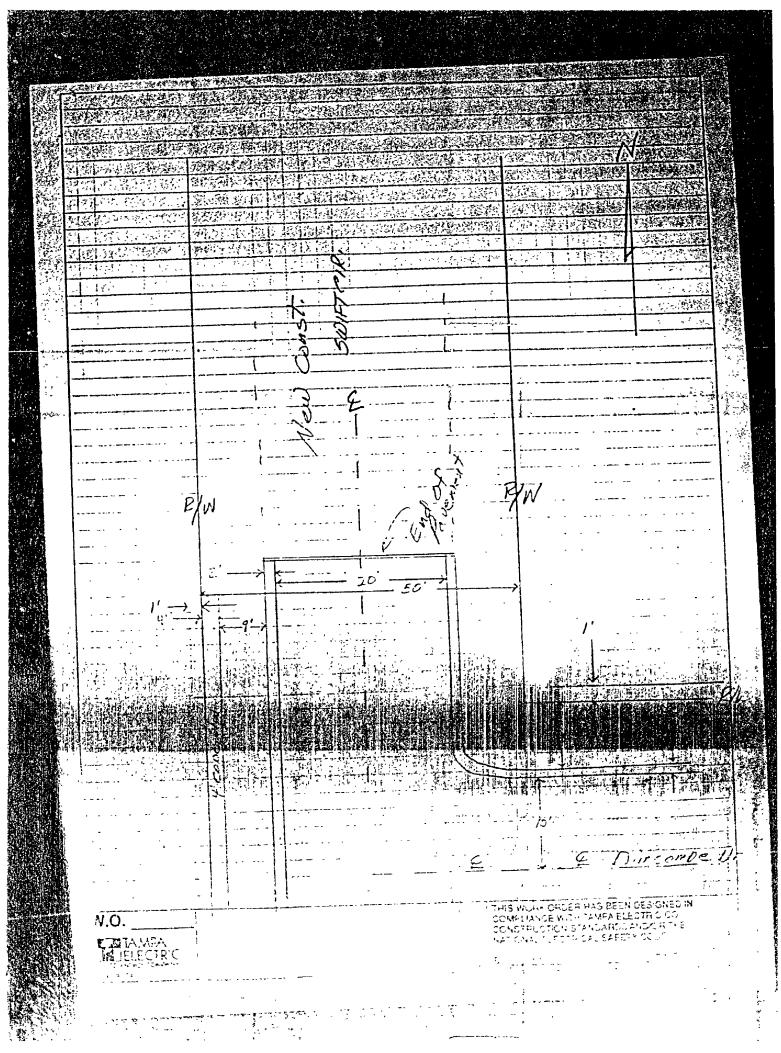
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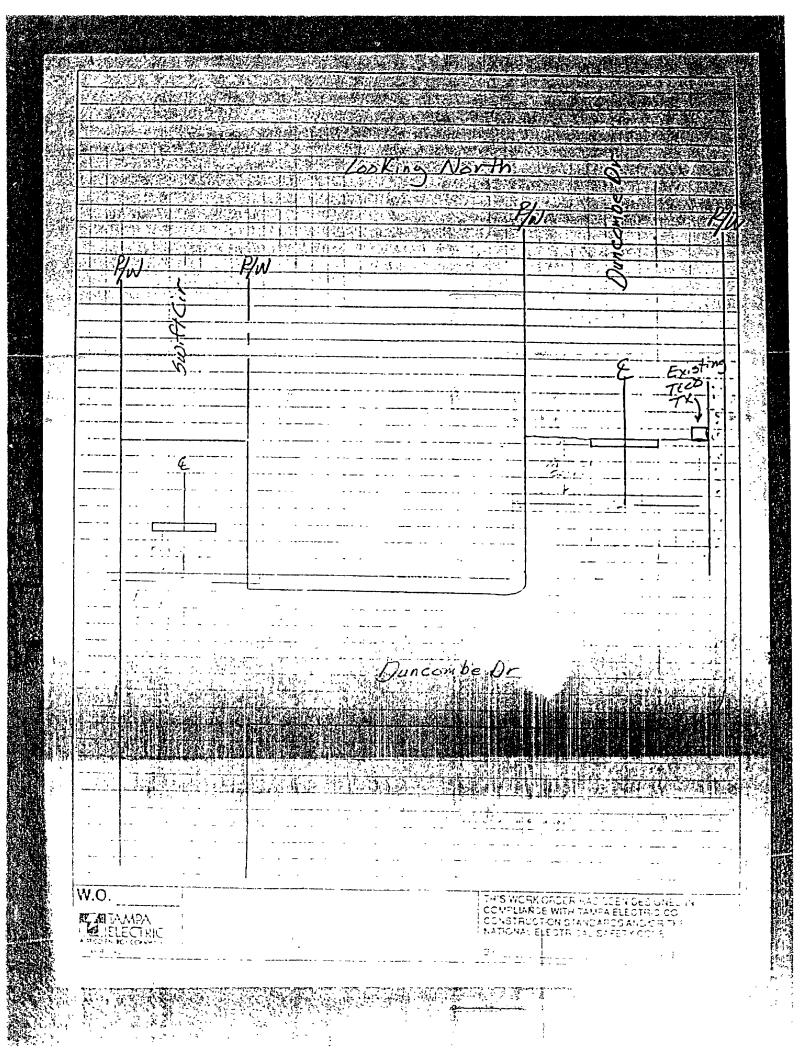
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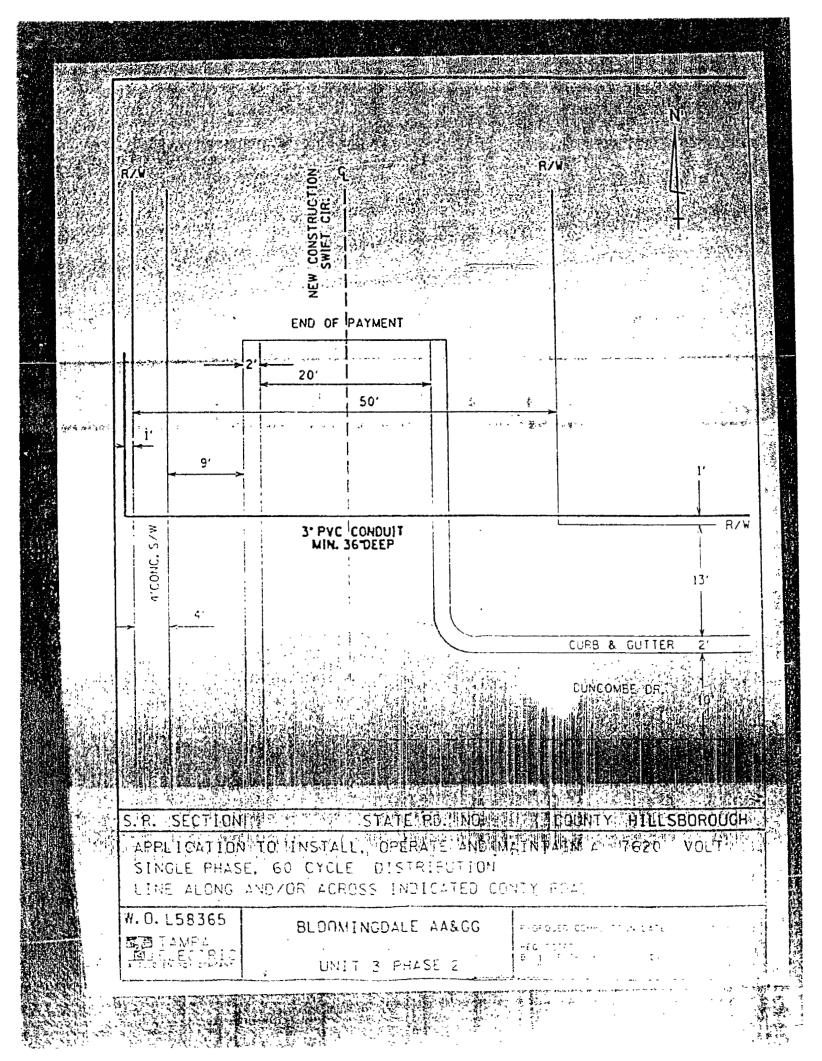
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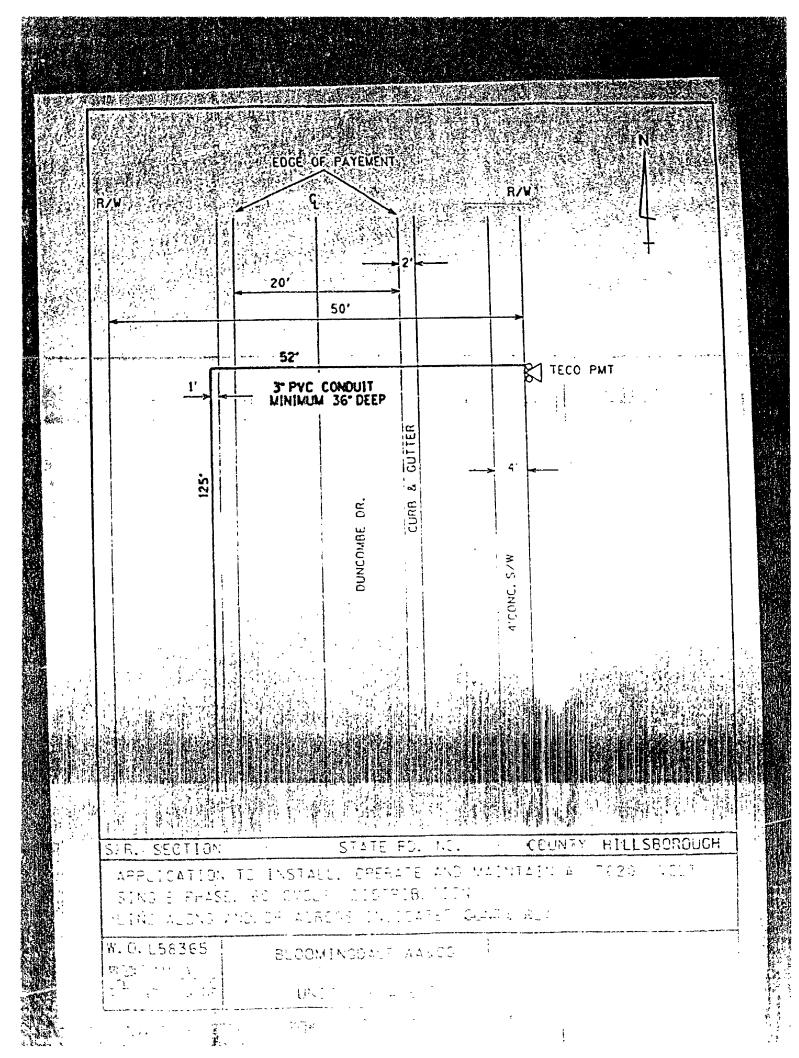


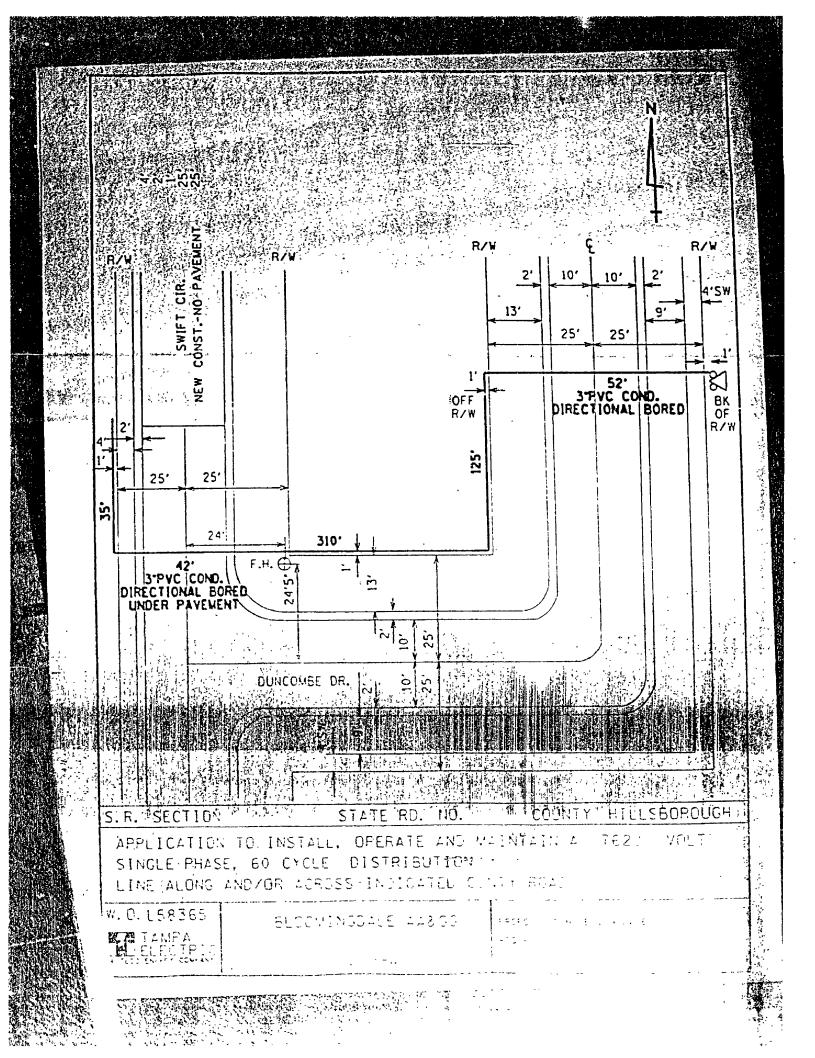
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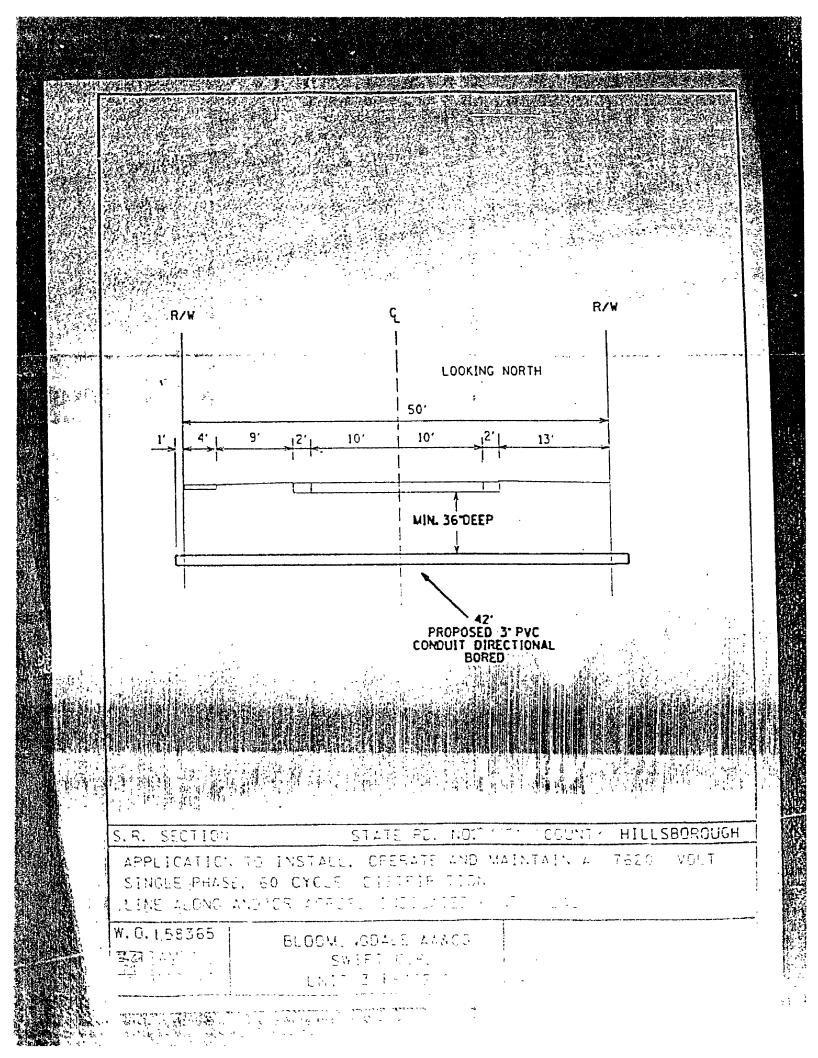


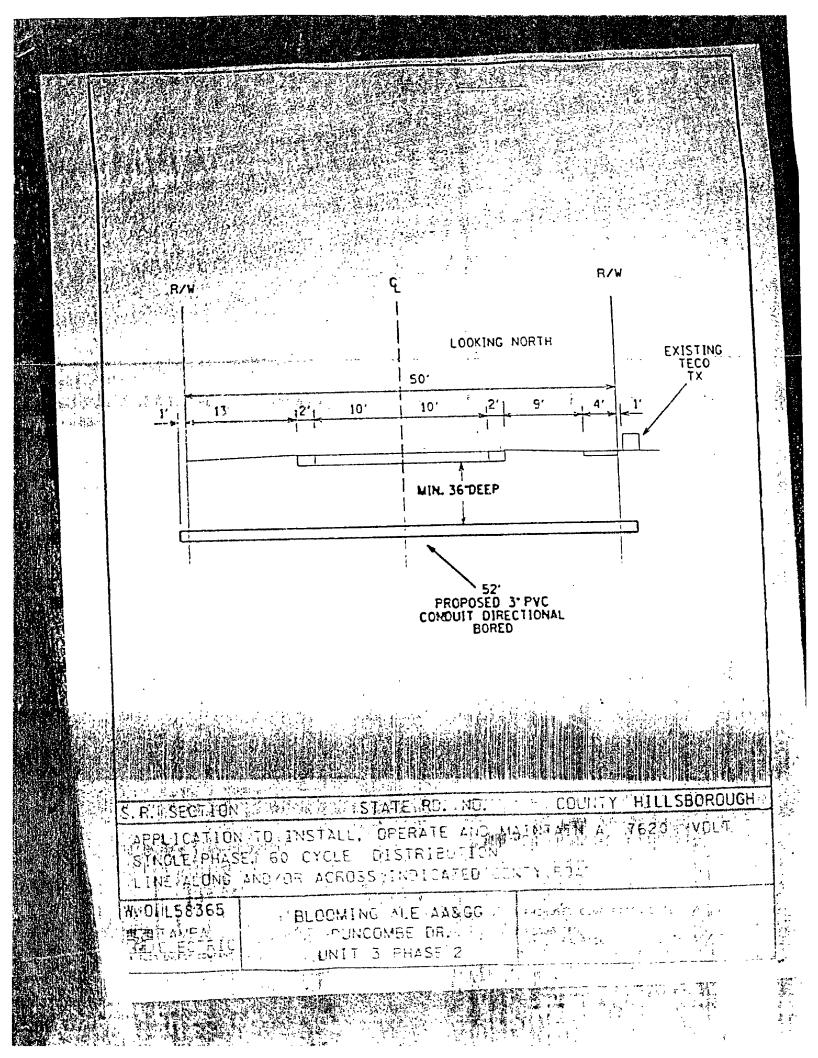


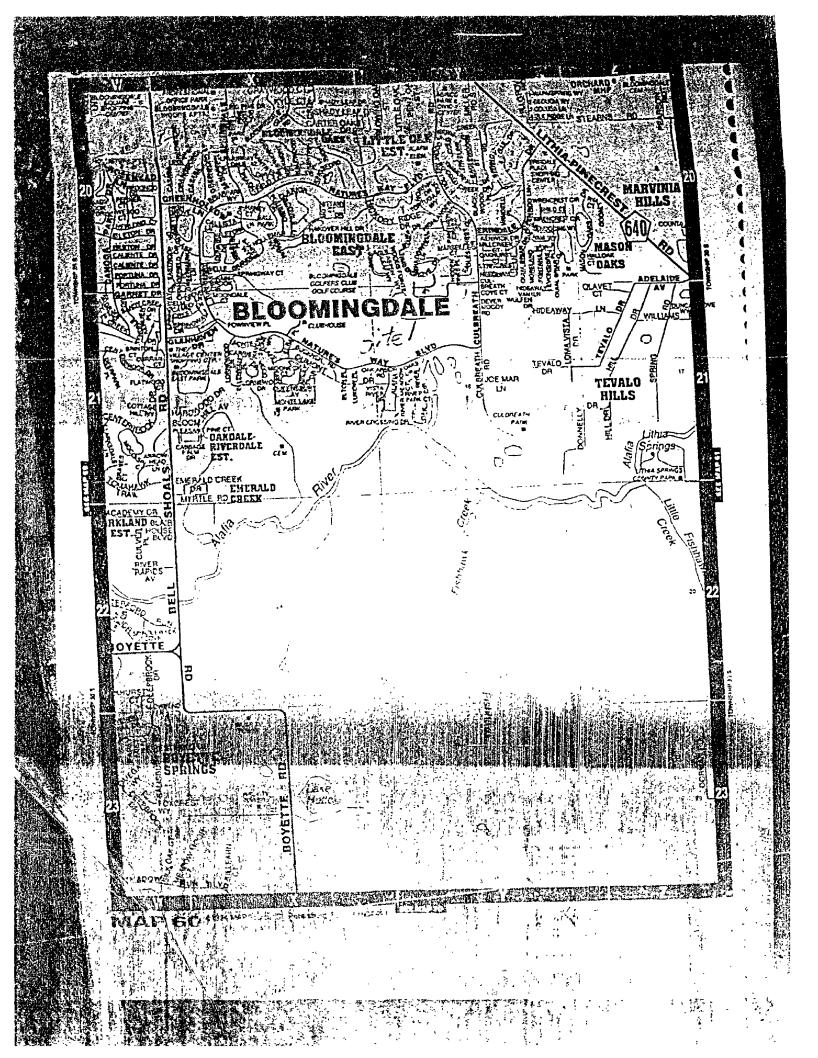












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Date: <u>6-5-96</u> Mtc. Service Unit #: _____ ec. ____Twp. ____ Rge. ____

Location: Duncompe Dr. and Swift Circle

 Will the proposed utility installation be within the limits of a proposed County Project?

 No X_
 Yes__
 CIP#__

If Yes, what type? ___Road Improvement ___ Water/Wastewater Improvement __ Stormwater ________ Scenic Comdor __ Intersection Improvement __ Other ______

Will the proposed facility be dedicated to the County? No x Yes_ Access Connection? No_Yes_If yes, what type? Type I_Type II_Type III_

Permission is hereby granted to <u>Tampa Electric Company</u> Address <u>P.O. Box 111 Tampa, FL 33601</u> Telephone # <u>228-4704</u> for the construction and maintenance of <u>Directional bore new underground conduit w/ cable to serve Bloominadale Unit 3 Phase 2</u>

Subject to the following conditions:

- The applicant declared that prior to filing this application that he has ascertained the location of all existing utilities both aerial and underground and the accurate locations are shown on the plans. As letters of notification were mailed on <u>6-5-96</u> to the following utilities/municipalities: <u>Hillsborough County Utilities</u>. <u>General Telephone and Time Warner</u> Cable
- 2 The construction and maintenance of such utility shall not interfere with the property and rights of a prior occupant.
- All work shall be done in keeping with standards approved by the County Engineer of Hillsborough County, Florida, and under the supervision of said County Engineer or representative.
- 4 All materials and equipment shall be subject to inspection by said County Engineer or representative.
- 5 All construction shall be performed in a manner meeting the approval of the County Engineer of Hillsborough County and to Safety Standards as prescribed by Manual on Uniform Traific Control to Devices and Hillsborough County shall be relieved of all responsibility from damage of any nature arising from issuance of this permit.
- 6. It is understood and agreed that the rights and privileges herein set our are granted only to the extent of the County's right, title and interest in the land to be entered upon and used by the Permittee and the Permittee will at all times, assume all risks of the indemnify, defend and save harmless the County from and against all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said permittee of the aforesaid rights and privileges
 - or attempted exercises by said permittee of the alores and running and printing of attempted exercises by said permittee of the alores and running attempted to allow the control of the c
 - depth of thirty-six (36) inches below the pavement at least burly (3) inches below of an of the state of thirty for the state of the st
- representative 9 The attached skatch or sets of plans covering details of this installation chall be made a part of this permit

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CIRCUIT NUMBERS: 13687Y SUBSTATIONS: PEARSO TOSK DESCRIPTION: DIRECTION FORE 1-22 CONDUIT UNDER CULBREATH PD

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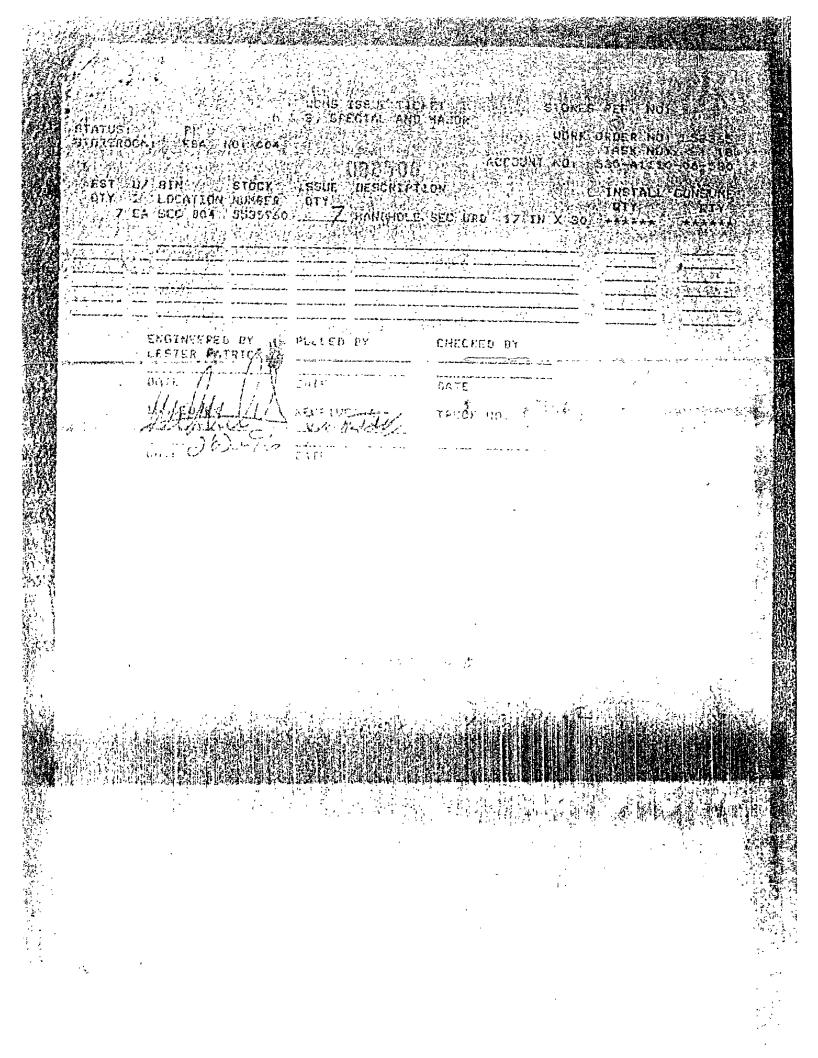
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LOCATION OF WUNNA MADE BYI LESTER PATRICK API CUSTOMER: BLMG, AA/GG UNIT 2 FMASE 2 2 NAT 2 T 1996 HONE : 813-000-0000 CIRCUIT NUMBERS: 19697Y SUBSTATIONS: PEARSO REQU-DATE

SUBSTATIONS: PEARSO TASK DESCRIPTION: INSTALL SECONDARY HAND HOLES WORK ORDER DESC : PUPPOSE PURPOSE: 64.5

SPEC INSTRCTWS:

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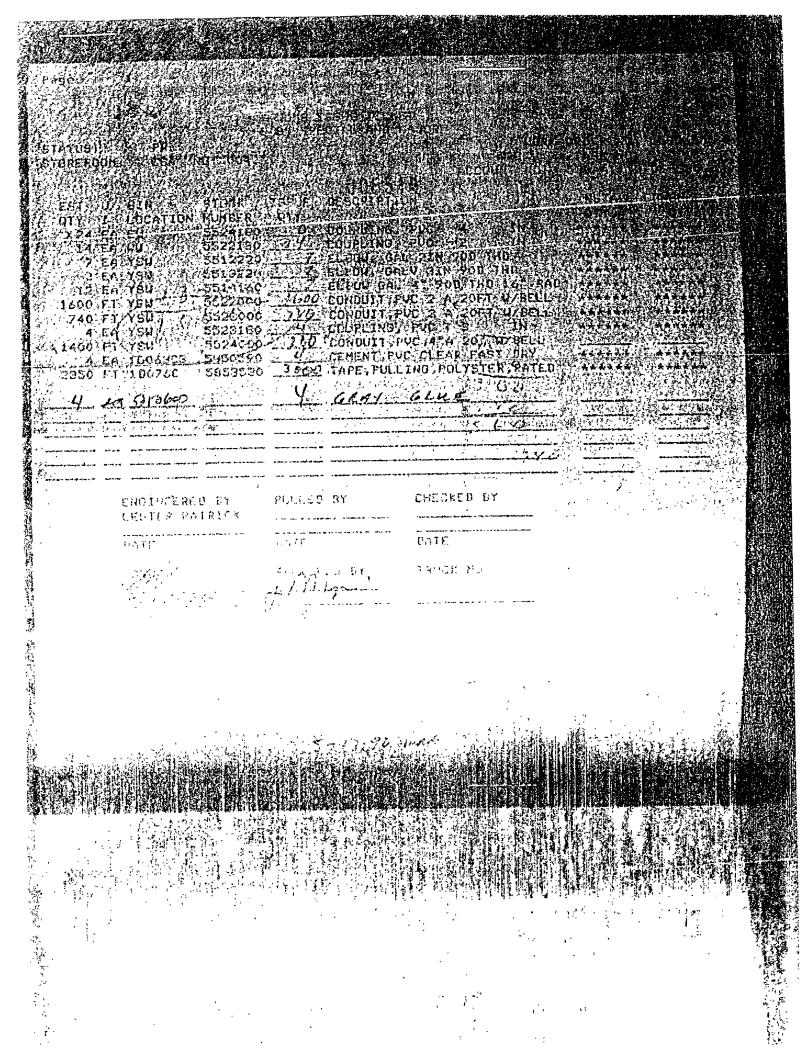
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WORK ORDER DESC :

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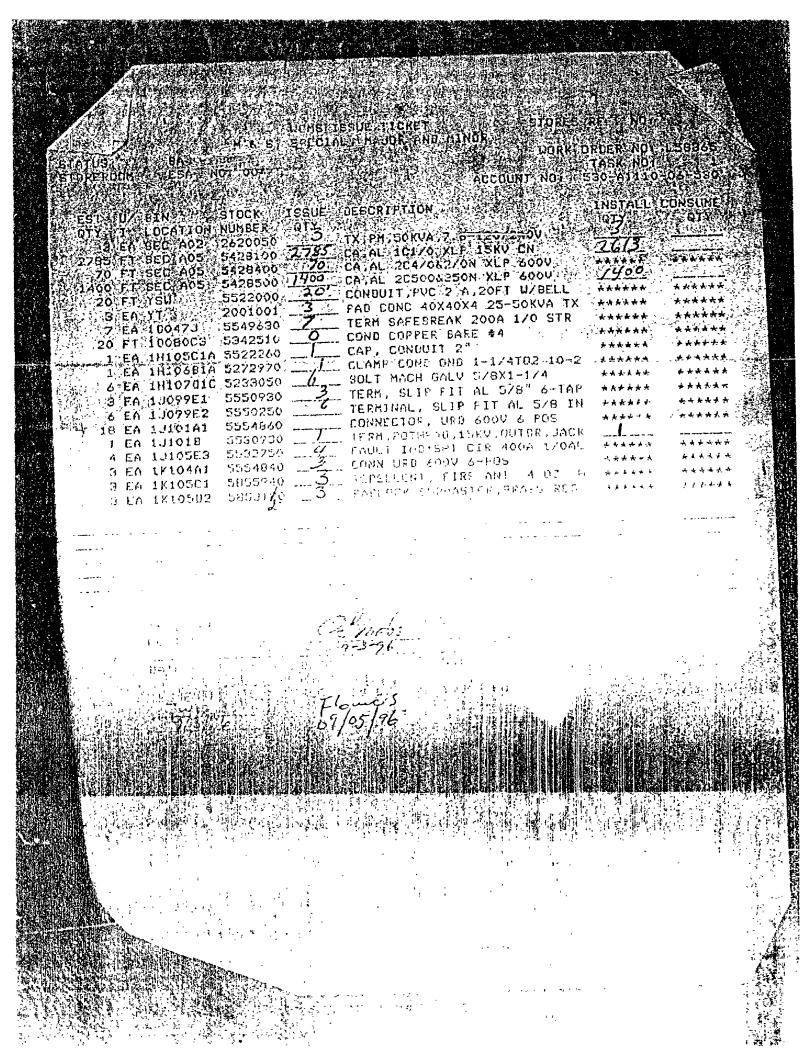
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	OPERATION	-	530-56402

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2613 cable

STATEM DISTRIBUTION ENGINEERING UNDERGROUND CABLE PULLING TENSION FECTRAN

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PEOJECT TITLE = BLOGMINCOALE AA/GG U-1 PE-C PROJECT LOCATION =CULESBATE ED CABLE TIPE =1/C-1/0 AU CONDUCTOR AREA = 139129.1 CF CONDUCTOR DIAMETER =1.0030 ENCERS CONFUCTOR VEIGET = .50 LE.FT CONDUCTOR MATERIAL FAL COBSELT-BIAMITES = 2 INCESS BENDING BADIUS 45 DBC BENDS = 100 INCEES BRADING RADIUS 30 DEG BENDE = 9.50 INCRES 90 DEGERE REND SECTION 1= 6) FOOT STRAIGHT SECTION SECTION 2: 90 DECREE BENT SECTION 3= 125 FOOT STEATORT SECTION SECTION 4= 30 DEGREE FEND SECTION 5= 310 FOOT STRAIGHT SECTION SECTION 6= SECTION 7: 90 DEGERE EEKD 340 FUOT STRATEST SECTION SECTION 3: SC DEGREE BENT SECTION 3=

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STATEM DISTRIBUTION ENGINEERING UNDERGROUND CARLE FULLING TENSICN FRUIRAR

SECONFIGURATION DATASE

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SYSTEM DISTRIBUTION ENGENEERING UNDERGROUND CHELE FUSLING TENSILN FRIJER

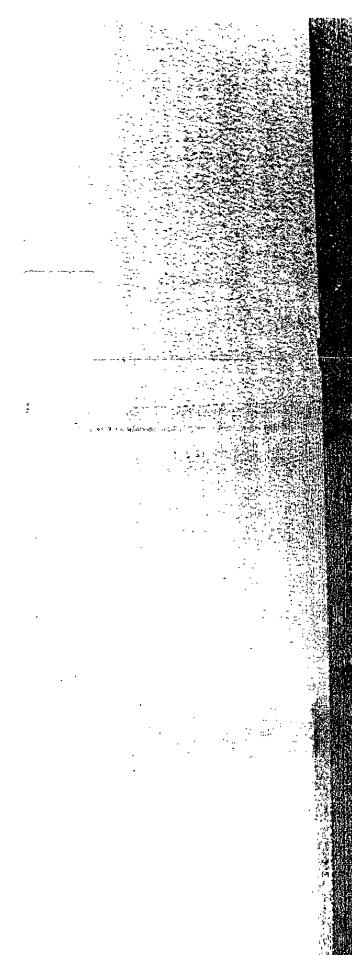
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PROJECT VITUE = BICCHINICADE ALCOL THE THIC PEOLICY LOCATION SCILLERATE SO CABLE TYPE =1/C-1+2 AL CONSTITUT AND = 133123.1 CM CONDUCTOR DIAMETER =1.3130 INTERS CONDUCTOR BATERIAL FAL CONSULT DIAMETER = 1 IN THE BINDING BADING II DES BERGE = 11.11 (ACHE 90-98CREE 8380 SIGTICY 1: INT FORT STRAIGHT SETLIN SECTION I: 40 030233 EES siction 3= STA FORT STRATGET SECTOR SICTION 4: en aborte fru section 5: 115 FOOT STEATOFT SECTION iscrion s: a dhe ea SIGTICS 1: ED PLOT STRAIGHT SECTURY SECTION : SECTION 9: 21 126355 FBX1

INICALCULATED SECURED I

FEBORNT CONTUIT FILL = 1 - - -JAM BATEO = 3.10 SUBARANCE = 1.49 IN 1475 MATERUM AUDONABLE TENDIUM = 1807 S - - N.M. MATERUM AUDONABLE SIGBMAL (FRASS BALE) 12 - - - N.S.

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SYSTEM DISTRIBUTION ENDINGERING UNDERGEDUNG CABLE PULLING TENSION FELCEM

ANCONFIGURATION DATATE

PROJECT TITLE = BLOCHINGDALE AA/CG U-D Fa-D PEOJECT LOCATION = CULSEBATE ED CABLE TYPE =1/C-1/0 AL CONDUCTOR AREA = 119119.0 CM CONDUCTOR DIANETER =1.0090 INCHES COSDUCTOR VEIGET = .50 LS/FT CONDECTOR MATERIAL TAL CONDUIT DIAMETER = 3 INCERS BENDING RADIUS 45 DEG EBNDS = .00 ENDES AREDING RADIUS JO DEG EENDE = 13.30 INCERS SECTION TE ST DEGREE HEND . -60 FOOT STRAIGHT SECTICS SECTION 2= 30 DECESE BEND SECTION 3= 115 FOOT STRAIGHT SECTICS SECTION 1= 90 DEGREE BENJ SECTION 5: SECTION 6: 313 POOT STEATORT SECTION SECTION 7: 90 DEGREE BEND SECTION SE 340 FOOT STRAIGHT SECTION SECTION 9: 50 PEGSEE SEND

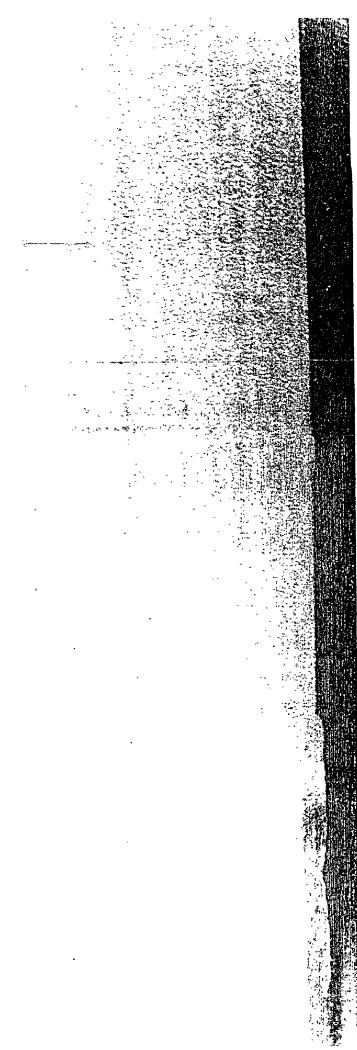
ANNCALCULATED RESULTSING

PERCENT CONDUIT FILL = 1.10. JAN RATIO = 3.10 CLEARANJE = 1.33 INCHES NATINUM ALLOWATLE TENSION = 1513.+ (+ N)S MATINUM ALLOWATUS SILENALL PRESSURE = (5.10) + (N)S

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INCONFIGURATION DALATE

PROJECT TITLE = 6100MINODALE A4/10 U-3 Fm-D PROJECT LOCATION SCULEREATH RU CABLE TIPE =1/C-1/0 AL CONDUCTOR AREA = 139129.0 CM CONDUCTOR DIAMETER =1.1030 INCHES CONDUCTOR WEIGET = .50 LE/PT CONDUCTOR NATERIAL FAL CONDUIT DIANSTES = 2 INCESS BENDING BADIUS 45 DEG BENES : .03 INCHES BENDING RADIUS 92 DEG BENDS = 9.50 INCHES J) DEGREE SEND SECTION 1= 340 FOOT STRAIGET SECTION SECTION 2= " 4. JECIEL 534D SECTION J= 210 FOCT STRAIGET SECTION SECTION 4= SO DESERS REND SECTION 5: 115 FOOT ETEXTUET SECTLY SECTION 6: 90 DEUREE BENO SECTION 7: EN FOOT STEALOET SELELY SECTION 8= JU DEGREE BEND SECTION 9= ۰.

.. · INICALOULATED RESILTENT

PERCENT CONTRACT FILL = 25. 7 344 SATIO = 2.33 OLBARANCE = LES INCHES MAXIMUM ALLOWAGED TENSION = .SOF.F. F. M.Y. MATIMUM ALLOWABLE SIDEWALL FRESSORE = TELLOG FOLDE

FILL ALTE MEEL AT POINT 10 FOLL WITH BIEL AT FOLKT I TERETORY (FE, FRESSMAD (185) TENSIOVILES. PRESECULIES POINT 4日.日: 184.1 0 234.41 9.3¥. 1. <u>9</u>2 -19:561 9,66 Str. ? 1. 10% 4

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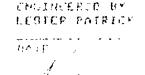
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<pre>(Flicker) (Span Length) (from Table) x (100')y 3. Flicker Due to Service</pre>	icker Die to Transformer				V	
<pre>(Filcker) (Span Length) (from Table) x (100')y 3. Filcker Due to Service</pre>	icker Due to Secondary					
<pre>(Pilcker) (Span Length) (from Table) x (100')</pre>		L)	· · ·		v	
4. Total Flicker VoltageV <u>Maximum Limit 10 12V Total Flicker</u> If flicker exceeds this limit for worst case customer, try increasing transformer one size and recalculate flicker.	and a second			و المعامينية الم		2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
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EGT UZ BIN STOCK ISSUE DESCRIPTION BTY J EDEATION NUMPER BTY 1 EA SEC BOZ 5272070 _____ BRACKET OUAL CUTOUT & AERST 1 EA 10025A2 5272060 _____ BRACKET CUTOUT A AERST 1 EA 10075A 5282296 _____ BRACKET CUTOUT AREST & POTHD 1 EA 10075A 5282296 _____ CUTOUT, 100A, 15KV, LEH, FUSED 1 EA 10079A 52705A0 _____ AFRESTER, LIGHTNING 10KV 9 FT 10080C 9341900 _____ CONDUCTOR COPPER 16 1 FT 10080C3 5342510 _____ COND COPPER PARE 14 3 FT 10080C3 534320 _____ HIRE, HANDCOIL * BARE SIR Q WIRE HANDCOIL . BARES STR -3 FT 1000003 5343320 ...



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OFERATION - 530-58301-___-530 SUPERVE'S COMMENTS: ______

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	CONSTRUCTION ALERT-FINAL
TO: TJ Szelisłowski ESA	E: 06/28/96
FROM: John Currier	
RE: UMD Mobile Home Park	
A Statistic of the TIRD Set Subdivision	
URD Townhouses	
CONSTRUCTION CAN BEGIN AT:	
Name of Park Subdivision:	Bloomingdale AA&GG Unit 3 Phase 2
Physical Address:	Bloominedale Subdivision
DESCRIBED AS FOLLOWS:	
Phase of Unit Number 2	
Number of Lots	52
Block and Lot Numbers	
	at
Coordinate construction with Glen Cross 254-7567	
Please NotifyMickey Quevedo	when UMD or URD system is energized.
(Residential Development Rep)	
Approximate Date Service is Needed: 07/29/96	
Remarks: 530-A1110-530	
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Bloomingdale AA&GG Unit 3 Phase 2

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Bloomingdale Subdivision

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A REPORT AND A REPORT		ATE: 06/28/96
TO TI Szelistowski ESA		

FROM: John Currie	
RE: UMD	Mobile Home Park
URD X_	Subdivision
URD	Townhouses
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CONSTRUCTION CAN BEGIN AT:

Name	of Pari	Subdivision:
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Physical Address:

DESCRIBED AS FOLLOWS:

Phase of Unit Number 2

Number of Lots

Block and Lot Numbers

Coordinate construction with Glen Cross 254-7567_____

Please Notify_____Mickey Quevedo______when UMD or URD system is energized. (Residential Development Rep)

Approximate Date Service is Needed: 07/29/96

Remarks: 530-A1110-530

Sec. MADE BY TLESTER BATRICK CANDY REF NOT PHONE 813-000-0000 CUSTOMER: BLHD AA & GG UNIT 3 PH 2 CLACUIT NUMBERS 1 13687Y SUBSTATIONS: PEARS REQUEDATE TASK DESCRIPTION, SWITCHING INSTRUCTIONS BLNG AA/GG UNIT 3 PH 2 NO RECONCIL UORK ORDER DESC. USE 1 PURPOSE ار میں اور میں اور اور اور SPEC INSTRCTNS: ENERGIZE PRIMARY FROM TERM POLE 32107-38848 SW 32700 TO LEFT STUE OF MAT 12-09 - UPEN RIS PAT 03-63 NEW N.O. , AS PER SWITCHING SCHEMATIC 5-051-96E SWITCH PER OP3-6 17 ACCT 530-A1110- __-530 T305 R21E 18 NE VIA A ANTALL 530-01162-___-530 REMOVE 1305 F21E 07 SE 530-59402-___520 530-58402-___520 HAINTENANCE OFERATION NUMERIA'S COMMENTS Wasing Wrong Ut Subdivision Was an Cphase New on B Phase Phasing Was contrad of SU Pole 31 1114 1 11 TASPLES . . မးချ ကိုမ်းချီးများ 结书 用外壳 网络毛马 月子 手長 わいうう 124431 18 DUMBING: 的理论和意思的 没有法 行 開始 STREAM TOTAL FAREARS STREAM TO THE ATTENDED FROM THE CLOCK n night i st i' I 12 9.19

For 258365 Delaware CT/Swift CZ see Aperture Card Number

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WORK ORDER DESC

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国际市场学 CONSTRUCTION ALERT No.___1

TO: TJ Szelisłowski E.S.A RE: Subdivision

DATE: 04/16/96 LOCATION: Off Natures Way Blvd

Name: Bloomingdale Section AA&GG Unit 3 Phase 2

NO. OF LOTS 52. UNITS

TYPE OF SERVICE:

論する

0.H. _X_ UG

SITE CONSTRUCTION TO BEGIN: 05/16/96

CONDUIT INSTALLATION: ____ TECO _X_CUSTOMER ___ UNKNOWN

PROJECT CONTACT: OWNER:

Glenn Cross 254-7567 Brandon Property Partnership 611 Bay Street Tampa, Florida 33606

COMMERCIAL JNEO.

FACILITIES:

Lift Station Clubhouse Elevator

Laundry Tennis Cts. Other

TOTAL

RESIDENTIAL INFO.

Sever Sever Sever

___A/C _X__HP 2 Ton 4KW

AREA LIGHTS Yes ___ No ____ Unknown

FACILITY VOLTAGE DEMAND I.W. DEPOSIT STYLE: Coi. Cont. CP

> STREET LIGHTS: _X. Yes _ No _ Unknown

REQ. NO. 530-A1110-530

REMARKS: 1300 to 2040 sq ft.homes

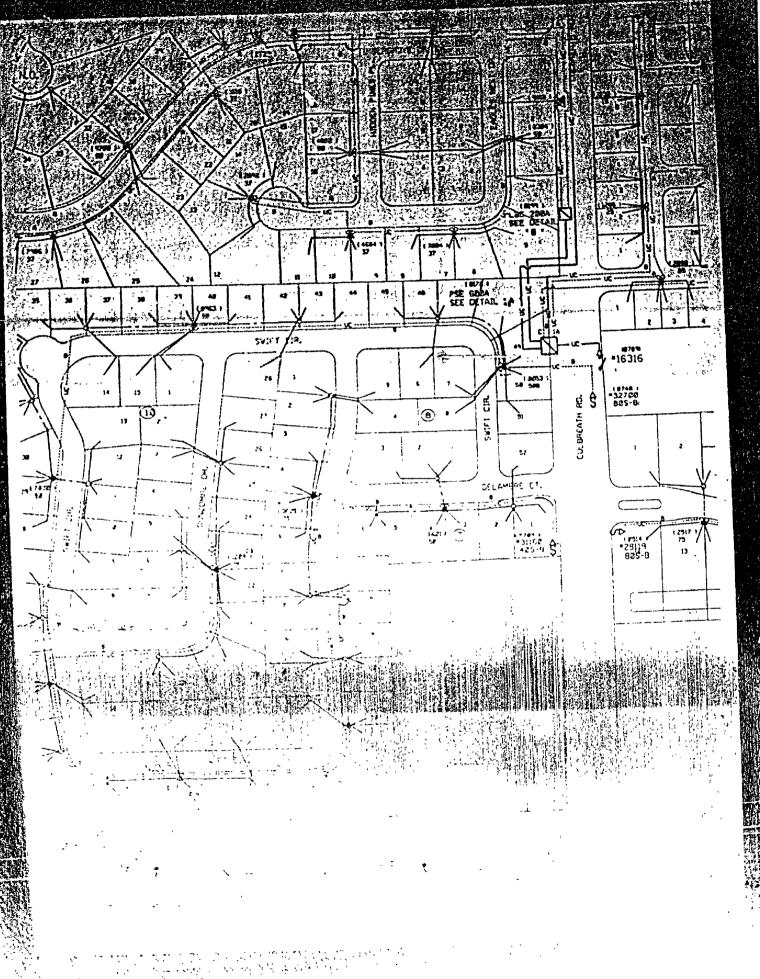
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PAYMENT

JOB PLANNING AND CONTACT

FIELD INSPECTION/CHECK

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MARK PRINTOVEABEMENTS

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INITIAL VOLTAGE CHECK

FLICKER CALCULATION

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JOINT USE REQUIRED.

RECHECK VOLTAGE

GRID CHANGE ORDER

MEETING CONFERENCE

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MAKE TRACING DRAFT PERMIT SKETCH

DATE

CHECK TX OVERLOAD/TLM

REVIEW CONSTRUCTION PRINTS

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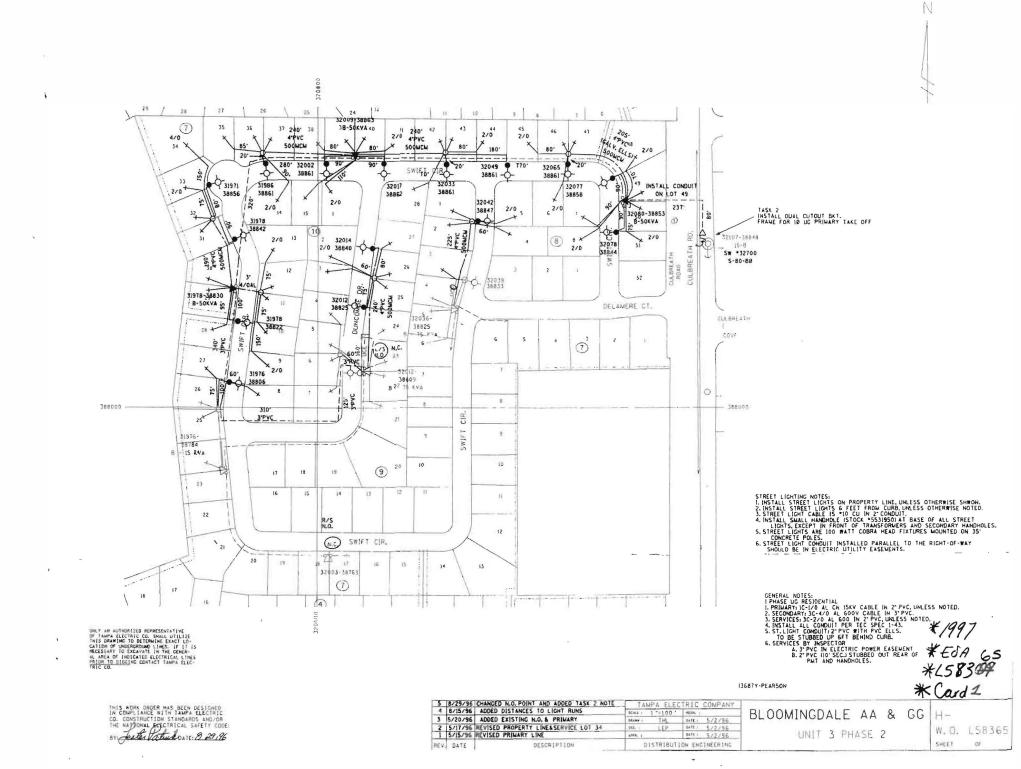
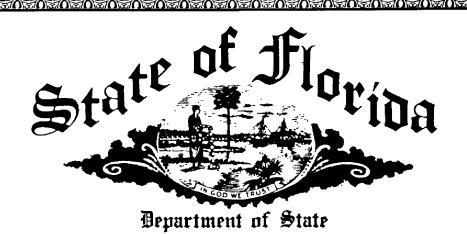


Exhibit D

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I certify the attached is a true and correct copy of the Articles of Incorporation of THE LINKS HOMEOWNERS' ASSOCIATION, INC., a corporation organized under the laws of the State of Florida, filed on December 19, 1995, as shown by the records of this office.

The document number of this corporation is N95000005955.



CR2EO22 (2-03)

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this the Second day of July, 2003

Gerada E. Hood

Glenda H. Hood Secretary of State

EXHIBIT "B"

ARTICLES OF INCORPORATION

OF

THE LINKS

HOMEOWNERS' ASSOCIATION, INC.

The undersigned hereby associate to form a corporation not for "profit under Chapter 617 of the Florida Statutes.

ARTICLE I

NAME

The name of this corporation shall be THE LINKS HOMEOWNERS' ASSOCIATION, INC., hereinafter referred to as the ("Association").

ARTICLE II

PURPOSE

The purpose of the Association is to acquire title to and own, and whether owned or not, to operate, maintain and preserve the Common Area, as such term is defined in the Declaration of Covenants, Conditions, Restrictions, and Easements for THE LINKS HOMEOWNERS' ASSOCIATION, INC., which will be recorded among the Public Records of Hillsborough County, Florida, (hereinafter called "Declaration"), in the development located in Hillsborough County, Florida, known as THE LINKS. The Association is also formed to maintain the privately owned areas of THE LINKS HOMEOWNERS' ASSOCIATION which are not maintained by their owners.

-1-

ARTICLE III

POWERS

The Association shall have all of the powers given to corporations not for profit by the Florida Statutes and all of the powers expressly conferred upon it by the Declaration, together with all powers necessary to fulfill all such stated powers and the duties expressly given to it by such Declaration. These powers include, but are not limited to, the power to:

A. Maintain, repair, improve and insure the Common Area as defined in the Declaration and other real or personal property which the Association owns or which it has assumed the obligation to maintain, including without limitation the surface water management system which includes the lakes, retention areas, culverts and related appurtenances;

B. Make and collect assessments from its Members;

C. Pay all Association expenses;

D. Acquire title to and exercise all rights of ownership in and to any real or personal property;

E. Convey real or personal property;

F. Make, amend and enforce reasonable rules and regulations for the use of the property it owns or maintains;

G. Enforce the terms of the Declaration, these Articles, and the By-Laws of the Association;

H. Sue and be sued;

I. Contact for operation and maintenance services;

-2-

J. Operate and maintain common property, specifically the surface water management system as permitted by the Southwest Florida Water Management District, including all lakes, retention areas, water management areas, ditches, culverts, structures, and related appurtenances;

K. Require all owners to be members of the Association;

L. Exist in perpetuity, but in the event that the Association is dissolved, the property consisting of the surface water management system ("SWMS") shall be conveyed to an appropriate agency or local government, and if not accepted, then the SWMS shall be dedicated to a similar, non-profit corporation;

M. Take any other action necessary for the purposes for which the Association is formed.

ARTICLE IV

MEMBERS

1. Every record owner of a fee interest in any Lot, as defined in the Declaration, including contract Sellers, shall be a Member of the Association. The foregoing is not intended to include persona or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to, and may not be separated from, ownership of a Parcel.

2. Change of membership in the Association shall be established by the recording, in the Public Records of Hillsborough County, Florida, of a deed or other instrument establishing a

-3-

record of title to a Lot, and shall be evidenced by delivery to the Association of a copy of such instrument. The membership of the prior owner shall be terminated as of the date of delivery of such deed or other instrument.

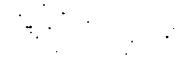
3. The share of a Member in the funds and assets of the Association cannot be assigned, hypothecated or transferred in any manner except upon transfer of his Lot.

4. There shall be two (2) classes of membership as follows:

(a) <u>Class A</u>. As long as there is a Class B membership, Class A Members shall be all Owners, as defined in the Declaration, other than the Declarant, as defined in the Declaration, and shall be entitled to one vote for each Lot owned. Upon termination of Class B membership, Class A Members shall be all Owners, including the Declarant, as long as the Declarant is an Owner and each Owner shall be entitled to one vote for each Lot owned. If more than one (1) person owns an interest in any Lot, all such persons shall be Members, but there shall be only one (1) vote cast with respect to such Lot. Such vote may be exercised as the Owners determine among themselves, but no split vote shall be permitted.

(b) <u>Class B</u>. The Class B Member shall be the Declarant and as long as there is a Class B voting membership the Declarant shall be entitled to three (3) votes for each Lot owned. Class B membership shall cease and be converted to Class A membership and any Class B Lots then subject to the terms of the Declaration shall become Class A Lots upon the happening of any of the following events, whichever occurs earlier:

-4-



(i) When the total votes outstanding in the Class

•

A membership equal the total votes outstanding in the Class B

membership,

(ii) January 1, 2000, or

(iii) When the Declarant waives in writing its right

to Class B membership.

ARTICLE V

BOARD OF DIRECTORS

1. The affairs of the Association shall be initially managed by a Board of three (3) Directors, whose names and address are:

Glen E. Cross 8925 Eagle Watch Drive P. O. Box 3341 Riverview, FL 33569

Scott M. Shimberg 8925 Eagle Watch Drive P. O. Box 3341 Riverview, FL 33569

Noreen S. Folsom 8925 Eagle Watch Drive P. O. Box 3341 Riverview, FL 33569

2. New Directors shall be appointed or elected and the number of Directors shall be increased or diminished in accordance with the By-Laws of the Association, but there shall not be less than three.

ARTICLE VI

OFFICERS

The officers of the Association shall be President, Vice President, Secretary and Treasurer, and such additional officers as

-5-

the By-Laws specify. The officers shall be elected by Directors at their annual meeting or at any special meeting called for that purpose.

The first officers who shall serve until the first election

are:

President:	Glen E. Cross 8925 Eagle Watch Drive P. O. Box 3341 Riverview, FL 33569
Vice President:	Scott M. Shimberg 8925 Eagle Watch Drive P. O. Box 3341 Riverview, FL 33569
Secretary/Treasurer:	Noreen S. Folsom 8925 Eagle Watch Drive P. O. Box 3341 Riverview, FL 33569

ARTICLE VII

BY-LAWS

The BY-Laws of the Association shall be adopted by the first Board of Directors and may be altered as follows:

 An amendment may be proposed by any Member or any Director prior to a meeting at which it will be considered.

2. Notice of the subject matter of the proposed amendment shall be included in the notice of the meeting at which the amendment is to be considered.

3. The amendment must be approved, either in person or by proxy by at least a majority of the entire membership of the Board of Directors.

4. No amendment may change the qualifications for membership in the Association.

5. No amendment which will affect the Declarant shall be adopted unless the Declarant has consented thereto in writing.

6. As long as there is a Class B membership, the Federal Housing Administration or the Veterans Administration shall have the right to veto amendments.

7. A copy of the amendment shall be recorded in the Public Records of Hillsborough County, Florida.

ARTICLE VII

AMENDMENT OF ARTICLES

These Articles may be amended in the manner set forth in Chapter 617, Florida Statutes, provided, however, that any amendment to these Articles shall require the assent of written consent of the Members entitled to cast two-thirds (2/3) of the total votes able to be cast at any regular or special meeting of the membership duly caused and convened. No such amendment may diminish any rights of the Class B Member, however, unless jointed in by such Class B Member.

ARTICLE IX

DISSOLUTION OF THE ASSOCIATION

The term of the Association shall be perpetual unless dissolved by the unanimous written consent of the Members and all mortgagees.

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Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association (including without limitation the surface water management system portions of the Common Area) shall be dedicated to an appropriate public agency to be used for purposes similar to those for which the Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to non-profit corporation, association, trust or any other organization to be devoted to such similar purposes, but in no event shall such assets inure to the individual benefit of any Member or other private individual. The Article is subject to the provisions 5 Section 617.05 Florida Statutes.

ARTICLE X

INITIAL SUBSCRIBERS

The name and address of the initial subscriber is as follows:

Glen E. Cross 8925 Eagle Watch Drive P. O. Box 3341 Riverview, FL 33569

ARTICLE XI

RESIDENT AGENT

The Resident Agent of the Association, for purposes of accepting service of process shall be Glen E. Cross, whose address within the State of Florida is 8925 Eagle Watch Drive, P. O. Box 3341, Riverview, Florida, 33569. The mailing address of the corporation is P.O. Box 3341, Riverview, FL 33569.

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ARTICLE XII

FHA/VA APPROVAL

As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration: annexation of additional properties, mergers and consolidations, mortgaging of the Common Area, dissolution and amendment of these Articles. Such approval may be presumed by any third party upon the filing or recording of any document requiring such action or actions.

IN WITNESS WHEREOF, the undersigned incorporator has executed these Articles of Incorporation for the purpose of forming the Association this <u>30th</u> day of <u>May</u>, 19<u>95</u>.

GYe

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this <u>30th</u> day of <u>May</u>, 19<u>95</u>, before me the undersigned authority, personally appeared GLEN E. CROSS, to me known to be the person described in and who executed the foregoing Articles of Incorporation, and he acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal at said County and State the day and year first above written.

9

NOREEN S. FOLSOM Notary Public, State of Flonda My Comm Expires July 5, 1997

No. CC283121 Bonded thru Service Ins

Notary Public

CERTIFICATE DESIGNATING PLACE OF BUSINESS OR DOMICILE FOR THE SERVICE OF PROCESS WITHIN THIS STATE, NAMING AGENT UPON WHOM PROCESS MAY BE SERVED

In pursuance of Chapter 48.091, Florida Statutes, the following is submitted, in compliance with said Act:

THE LINKS HOMEOWNERS' ASSOCIATION, INC., desiring to organize under the laws of the State of Florida, with its principal place of business at City of Riverview, County of Hillsborough, State of Florida has named Glen E. Cross, located at 8925 Eagle Watch Drive, P. O. Box 3341, City of Riverview, County of Hillsborough, State of Florida, 33569, as its agent to accept service of process within this state.

ACKNOWLEDGEMENT: (MUST BE SIGNED BY DESIGNATED AGENT)

Having been named to accept service of process for the above stated corporation, at place designated in this certificate, I hereby accept to act in this capacity, and agree to comply with the provision of said Act relative to keeping open said office.

Dated: