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A Resident Owned Manufactured Home Community

16555-A N. Cleveland Ave.
U.S. 41 North
N. Ft. Myers, FL 33903

RECEIVED-FPSC
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08 APR 24 PM 2:57
08 APR 24 AM 10:43
COMMISSION CLERK

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April 21, 2008

Office of Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Gentlemen:

This letter is in response to the enclosed Notice of Transfer which required "objections" to be filed within 30 days from the date of the Notice (March 31, 2008).

This letter is written in an effort to have our concerns made known. Our Tamiami Village Park is an older Park with the water supply lines being old and requires what appears to be frequent repair. The repairs themselves seem to be addressed timely and in an appropriate manner.

Our concern is with the apparent attitude of the current owner and the treatment of his customers, the residents of our Park. Attached is a copy of a bill from the current owner, received by a resident of our Park, wherein he is being assessed some \$1,376 for repairs to what we believe is a water supply line. We believe this to be the responsibility of the Water Company owner. It is our perception that the Water Company owner arbitrarily and capriciously treats his customers in an unfair manner. Many residents complained that they were not notified to boil their water until at least two days after the incident.

Another example, last year a water line broke near 3159 Mercury Lane. Upon repairing the leak, the dirt under the driveway was not properly returned to the original position. The result of this was a cracked and unsafe driveway that needed repair. We were in essence told by the current owner that if we wanted him to repair the driveway, we could see him in court. With the price of attorneys, Tamiami Village decided to have the driveway repaired at our own expense rather than suffer the harassment involved in having the owner of the Water Company sued to pay for the damage caused in their repair of their water line.

This past week there was another break on Venus Lane and a second break on Mercury Lane. The lines broke in an area with no trees and or roots in the area. This obviously proves that the lines break for reasons other than roots. This situation then easily brings up the validity of the water company's claim that it was a root causing the break at in the above mentioned \$1,376 billing. It should also be noted that in neither of these two recent cases did the water company generate boil notices. Our park consists of elderly residents whose health is of great concern. Such inaction on the part of the water company is unnerving to them.

Finally, when this issue was discussed at a meeting, it was stated that the legal description given in the notice was not completely accurate as to our Tamiami Village location. We are not lawyers, so we are not sure if this is important.

Dme
4/24/08
RLVN

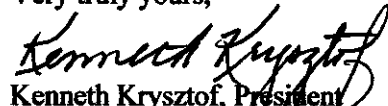
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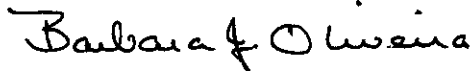
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In addition, our concerns center on the new owner. It appears a Texas company is involved and we are concerned who will manage their affairs as it relates to maintaining their water lines. We have a concern that there will be further insulation against our having to pursue a course of action, should more problems similar to the above occur in the future. There is no indication of who is now the responsible person.

Very truly yours,


Kenneth Krysztof, President
Tamiami Master Association, Inc.


Barbara J. Oliveira, CAM, PCAM®
Manager
Tamiami Master Association, Inc.

Cc: Kenneth A. Hoffman, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, Florida 32302

Cc: Lee County Health Department
3920 Michigan Ave.
Ft. Myers, FL 33916

Cc: Tamiami Village Water Company, Inc.
10913 Metronome
Ft. Myers, FL 33919-4848

Cc: Ni Florida, LLC
9280-5 College Parkway
Houston, Texas 77043

TAMIAMI VILLAGE WATER COMPANY, INC.
9280-5 COLLEGE PARKWAY
FT. MYERS, FL. 33919
(239) -482-0717
Fax (239)-489-2017

March 20, 2008

Mr. Richard Guilbeault
 399 Edinborough St.
 Windsor, Ontario N8X 3C3
 Canada

Re: 3125 Pluto Circle
 North Fort Myers, Fl. 33903

Dear Mr. Guilbeault:

Under Florida Statutes a person is required to notify Sunshine State One-Call of Florida prior to any excavating. Florida Statutes 556.102 D(9) says "person means any individual, firm, joint venture, partnership, corporation, association, municipality, or political subdivision, governmental unit, department, or agency, and includes any trustee, receiver, assignee, or personal representative of a person".


(6) "Excavate" or "excavation" means any manmade cut, cavity, trench, or depression in the earth's surface, formed by removal of earth, intended to change the grade or level of land, or intended to penetrate or disturb the surface of the earth, including land beneath the waters of the state, as defined in s. 373.019 (20), and the term includes pipe bursting, and directional drilling or boring from one point to another point beneath the surface of the earth, or other trenches technologies".

Because notification was not given and the utilities were not located prior to excavation, these are the costs.

Plumber	\$675.00
Cost of notices	125.52
Cost of labor to hand out notices	322.68
Loss of water	12.80
Cost of laboratory testing	<u>240.00</u>
Total	\$1376.00

Enclosed you will find copies of the bills and letter from the plumbing company, as well as a copy of the excavator non-compliance report that was sent to Sunshine State One-Call of Florida.

Payment for reimbursement of these costs is to be mailed to the above address.

Yours truly,

 Kathryn J. Ustica
 Office Manager

Enc.

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**NOTICE OF JOINT APPLICATION OF
TAMIAMI VILLAGE WATER COMPANY, INC.
AND NI FLORIDA, LLC FOR APPROVAL OF TRANSFER OF
TAMIAMI VILLAGE WATER COMPANY, INC.'S
WATER SYSTEM TO NI FLORIDA, LLC**

Notice is hereby given on the 31st day of March, 2008, pursuant to Section 367.071, Florida Statutes, of the Joint Application for Tamiami Village Water Company, Inc. ("Tamiami") and Ni Florida, LLC ("Ni Florida") for Approval of the Transfer of Tamiami's Water System and Certificate No. 388-W to Ni Florida, in Lee County, Florida, providing water service to the following described territory in Lee County, Florida:

The following described lands located in portions of Section 27, Township 43 S, Range 24 E, Lee County, Florida:

Tract or Parcel of land in the South Half (S 1/2) of the Northwest Quarter (NW 1/4) and in the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of Section 27, Township 43 South, Range 24 East, Lee County, Florida and in Leasure Village, a Mobile Home Park as recorded in Condominium Plat Book 3, pages 60 through 76 of the Lee County, Florida Public Records which is described as follows: From the Southwest corner of said North Half (N 1/2) of the Southwest Quarters (SW 1/4); thence North 89 degrees 48 minutes 29 seconds East along the South line of said fraction for 25.0 feet; thence North 0 degrees 19 minutes 10 seconds West parallel with the West line of said Section for 1937.92 feet to the Point of Beginning; thence continue North 0 degrees 19 minutes 10 seconds West for 378.77 feet; thence North 89 degrees 33 minutes 50 seconds East for 575.62 feet; thence South 0 degrees 18 minutes 50 seconds East for 169.78 feet; thence South 0 degrees 26 minutes 10 seconds East for 209.19 feet; thence South 89 degrees 33 minutes 50 seconds West for 576.03 feet to the Point of Beginning.

Subject to easements, restrictions and reservations of record.

A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, Lee County Florida, which is described as follows:

From the Southwest corner of said fraction of Section; thence N.0°19'10"W. along the West line of said Section for 25.0 feet; thence S. 89°53'40" E. along the North right of way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly line (S.05°56'20"W.) of the Tamiami Trail (U.S. 41, State Road No. 45) and the Point of Beginning.

Thence N. 05°56'20"E. along said prolongation for 348.19 feet; thence S. 84°03'40"E. for 290.00 feet; thence S.05°56'20"W. along the Westerly right of way (100.00 feet from center line) of said Tamiami Trail for 208.00 feet to a point of curvature of a curve to the left (radius

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5829.58 feet, Delta Angle $01^{\circ}05'08''$); thence Southwesterly along the arc of said curve for 110.46 feet; thence $N.89^{\circ}53'40''W.$ along said North right of way of Littleton Road for 292.55 feet to the Point of Beginning. Containing 2.220 acres more or less.

A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, Lee County, Florida, which is described as follows:

From the Southwest corner of said fraction of Section; thence $N.0^{\circ}19'10''W.$ along the West line of said Section for 25.0 feet; thence $S. 89^{\circ}53'40''E.$ along the North right of way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly right of way ($S.05^{\circ}56'20''W.$) of the Tamiami Trail (U.S. 41, State Road 45); thence $N.05^{\circ}56'20''E.$ along said prolongation for 348.19 feet to the Point of Beginning.

Thence continue $N.05^{\circ}56'20''E.$ along said prolongation for 371.45 feet; thence $S.89^{\circ}53'40''E.$ along the Southerly line of an 80.00 feet wide parcel II land as recorded in O.R.B. 1687, page 1106 for 291.50 feet; thence $S.05^{\circ}56'20''W.$ along said Westerly right of way (100.00 feet from the center line) of said Tamiami Trail for 401.00 feet; thence $N.84^{\circ}03'40''W.$ for 290.00 feet to the Point of Beginning. Containing 2.572 acres more or less.

Any objections to the Joint Application must be made in writing and filed within 30 days from the date of this Notice with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with a copy to Kenneth A. Hoffman, Esq., Rutledge, Ecenia, Purnell & Hoffman, P.A., P. O. Box 551, Tallahassee, Florida 32302. The objection must state the grounds for the objection with particularity.

Tamiami Village Water Company, Inc.
9280-5 College Parkway
Ft. Myers, FL 33919-4848
(239) 482-0717 (Telephone)

-- and --

Ni Florida, LLC
10913 Metronome
Houston, Texas 77043
(713) 574-5952 (Telephone)