

090093

RECEIVED-EPSC
APR -6 AM 9:25
COMMISSION CLERK

March 2009

Office of the Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850

Re: FPSC Docket # 090093 Application for transfer of Water & Sewer Certificates from M/M Starkey to M/M Stephens

Dear Commission Clerk,

As a residential customer of the Water & Sewer system serving Heather Hills Estates, I now present my **objections with particularities** to the above mentioned 45 page Application for the transferal of the Certificates.

Re: The Utility purchase price of \$123,123.00.

According to the Book Value of June 2008 it was stated as being valued at \$902.00. How will the Stephens hope to recoup this over-priced investment? Will they tender a positive 'acquisition adjustment' which would indeed result in HHE customers paying higher prices via special assessments or 'pass-thru' charges?

The Starkeys, per court records, appear to hold the note for the purchase in January 2008 of the HHE clubhouse/recreation area by the Stephens. A **very large debt owed** and to be paid. (Per Manatee County Court records Book 2243 Page 6569 the contract dated 1-15-08 from the Stephens to the Starkeys quotes **\$1,333,853.31** on the Promissory Note and yet the figure quoted under Parcel ID # 5534700009 Book 2243 Page 6549 dated 1-15-08 "Sale Amount" reads **\$622,900**. I am not going to address the significance of that..... I think that the FPSC should). With *this* existing debt in addition to another impending one, are the Stephens not extending themselves monetarily beyond the realm of reality?

Especially in view of the **very real possibility that the yearly Assessment** (indicated in the Application as yearly salary of \$206,000) **charged to the residential community of HHE would appear to be not a legal viable demand/collection**. This issue is being most ardently delved into by lawyers in the Tampa area and will no doubt be concluded in a court of law. It is possible that the 353 households would only owe a minimal amount each year toward the cost of the approx. 40 street lights, perhaps in the region of \$11 per household. There is no way to confirm that the Stephens have or will have the necessary financial resources to own and operate the Utility, AT THIS TIME or ever!! Until such Court decision is rendered.

In the 'Ni Joint Application' from June 2008 the fact was stated that: SCHEDULE 6.1 (a) REAL PROPERTY "The following provisions of each Declaration are no longer applicable and have been superseded by changes in Florida law": (Which Florida law changes, I can now quote).

Re: **#2 EASEMENTS AND SET BACKS plus #9 ASSESSMENT**. These two 'Declarations' are in the Heather Hills Estates Rules and Regulations with # 2 pertaining to the *actual property sold to the Stephens, or that which is about to be sold, or both?* Who actually owns what particular land which is to be included in the sale/purchase, should be addressed. A moot point however as the EASEMENTS apparently, "**are no longer applicable**". (Bolding mine).

The 'ASSESSMENTS' as mentioned above are being queried as to the status of their legality. **AND BOTH PAGES CONTAINING THIS INFORMATION WERE INITIALED by both Keith and Clara Starkey.**

If Attorney Marsha Rule deemed this information to be legally necessary for the "Ni" application why has it not been deemed legally necessary for *this* application?

Re: With all due respect I question the time allocation for all of the Stephens' business endeavors.

He works for the fire department; she is some form of medical assistant; they both show a business suite in Palmetto, Florida for their "Keller Williams Realty" company real estate business, on their respective business cards; they place a sign outside of the HHE office advising passers by that a 'real estate agent is on duty' within, from which they conduct their business of sales/rentals of homes in HHE; they are owners of various rental properties (*outside of the community of HHE*) each property requiring time & energy to manage; they both work within HHE currently for HHE and as management for the Utility company and in addition they are full time parents of a small child.

It would appear to be an overload of responsibilities culminating in much stress.

On January 30th, 2009 I entered the HHE/Keller Williams Realty office to pay the Assessment bill for HHE. Mrs Stephens took my cheque and stamped PAID onto the statement. I enquired as to the meaning of the numbers printed in a box at the bottom of the bill. She said, "nothing". I said "they must mean something if they are in there". More dialog then all hell broke loose. She said "I don't have time for this". She stood up as with full, high school drama queen antics of arm flaying and much finger pointing at the door shouting "get out of this office". After much ado about 'this issue' she went to a cupboard, retrieved a business card and handed it to me with instructions that **if I ever had any other questions I was to phone her attorney and he would bill me for his answers.....**

DOCUMENT NUMBER-DATE

03033 APR -6 8

FPSC-COMMISSION CLERK

And, other residents have been subjected to similar conduct. Such an inimical performance was just plain silly. It *should* be part of her job, to answer any questions. Period. And I thought she was a Christian. (Would Jesus have behaved thusly?).

The intent of my question was not to annoy *her* or waste *my* time. It was so completely a sincere enquiry by virtue of the fact that shortly before this incident I had asked the very same question of my attorney for *his* definition of the numbers in the offending little 'box'.

I am of the ilk who pay a bill which is **legally owed**, on time. Numbers in that 'box' were unfamiliar to me.

If she was experiencing a harried moment during her job, her response should have been similar to, 'Kenna, I'm busy right now, would you come back another time'. Short and sweet. I would have been most willing to oblige.

Inappropriate outbursts of anger in a business office is not that which I, et al deserve or expect to be subjected to.

Re: The Stephens' 'knowledge and experience with the control of a utility system, as required by law.

The Stephens claim they have learnt the utility business from the Starkey's. Certainly, a red flag goes up there for me. The Starkeys were Stewards of this utility system for 30 years and *not once* did they perform any water testing thereby putting the mostly retired age residents at risk what with their compromised immune systems.

The Starkeys were found guilty of over charging their water customers by the FPSC.

The Starkeys were ordered to replace or provide man hole covers for each manhole. To this day, those instructions have not been completely carried out to comply with those orders, some holes are still simply covered with a chunk of old ill fitting cement.

The Starkeys were ordered to replace all of the water meters which apparently have a "10 year shelf live". (According to the "Utility Consultant" Mike Smallridge hired by M/M Stephens). Again, to this date this order has not been complied with. The system has been in place since about 1966 or 1967.

The Starkey's were ordered to replace some valves back in the 1990's which were finally replaced in October of 2008. The Starkeys were informed by the EPA that human and /or animal feces namely ecoli, was discovered in the water in HHE 3 years in a row and that there had been no response to these findings. Since mid 2005 we have only received one "Boil Water Notice" and that is after several breaks and water shut-offs.

On October 8th, 2008 my household discovered a 3" by 8.5" note wedged in the front door advising that "all water used for drinking and cooking should be boiled for one minute until notified by office". It was *undated and unsigned* by M/M Stephens, as management. Very unprofessional.

On October 15th the water was turned off again and in all fairness, we *did* indeed receive this time, a dated, October 17, 2008 and signed notice advising that the previous notice 'is hereby rescinded', which was read with relief.

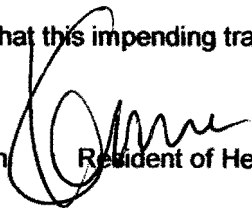
So all in all, how may the Starkeys be even remotely adequate as mentors to mentor the Stephens in the running of this health explicit Water & Sewer business?

Some members of Heather Hills Property Owners Association attempted in 2005 to purchase the Utility so a viable alternative would be for perhaps a second attempt? M/M Starkey could be offered a 'token' dollar figure for this almost worthless system to place them out of the picture, period.

I conclude that this impending transfer will **not** be in our best interest.

Sincerely,

Kenna Gunn
Resident of Heather Hills Estates.



K. GUNN
116 50th AVE. WEST
BRADENTON, FL.
34207-2666

Date
4/23/09
R.V.N.