

**Ashley Quick**

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**From:** Office of Commissioner Brown  
**Sent:** Tuesday, May 03, 2016 7:55 AM  
**To:** Commissioner Correspondence  
**Subject:** FW: KW Resort Utilities Corp Rate Request Docket 150071-SU

Please place the e-mail below in docket correspondence, consumers and their representatives in Docket No. 150071-SU.

Thank you,

Joann

**From:** Ann Aktabowski [mailto:harborshoreshoa@gmail.com]  
**Sent:** Monday, May 02, 2016 4:34 PM  
**To:** Frank Aktabowski  
**Cc:** Office of Commissioner Patronis; Office of Commissioner Brown; Office of Commissioner Brisé; Office Of Commissioner Edgar; Office Of Commissioner Graham; Saylor, Erik  
**Subject:** Re: KW Resort Utilities Corp Rate Request Docket 150071-SU

Dear Commissioners,

I have just been advised that KW Resort Utilities has been told to cease any type of demand to Unit Owners in our members of our HOA and that business will continue as usual until such time as hearings are held and legal decisions are rendered on all of the issues raised.

Thank you for your attention.

Ann Aktabowski  
Harbor Shores HOA  
770 862-6200

On Mon, May 2, 2016 at 3:11 PM, <[Akta@aol.com](mailto:Akta@aol.com)> wrote:  
**Ref: PSC-16-0123-PAA-SU and Docket No. 150071-SU**

Dear Commissioners,

I realize that this is a lot to ask of you, because I'm quite sure you have many issues to handle on a daily basis, but I am hoping you will take the time to read the below e-mails and the attached documents, in their entirety, from the beginning (bottom of this message on up) so that you have a good understanding of what is happening in this case.

It is unconscionable behavior on the part of KWRU and I cannot understand why your staff has not already told KWRU to cease their demands of deposits and other documents from our homeowners until the petitions and cross petitions have been heard.

Please read below and thank you for your time and attention.

Ann Aktabowski  
[770 862-6200](tel:7708626200)

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From: [Akta@aol.com](mailto:Akta@aol.com)

To: [Akta@aol.com](mailto:Akta@aol.com), [SAYLER.ERIK@leg.state.fl.us](mailto:SAYLER.ERIK@leg.state.fl.us), [mfriedman@ff-attorneys.com](mailto:mfriedman@ff-attorneys.com), [MBARRERA@PSC.STATE.FL.US](mailto:MBARRERA@PSC.STATE.FL.US), [schef@gbwlegal.com](mailto:schef@gbwlegal.com), [ilavia@gbwlegal.com](mailto:ilavia@gbwlegal.com), [harborshoreshoa@gmail.com](mailto:harborshoreshoa@gmail.com), [KELLY.JR@leg.state.fl.us](mailto:KELLY.JR@leg.state.fl.us), [icrawfor@psc.state.fl.us](mailto:icrawfor@psc.state.fl.us), [khetrick@psc.state.fl.us](mailto:khetrick@psc.state.fl.us), [MHelton@PSC.STATE.FL.US](mailto:MHelton@PSC.STATE.FL.US)

CC: [chris@kwru.com](mailto:chris@kwru.com), [greg@kwru.com](mailto:greg@kwru.com), [bart@smithoropeza.com](mailto:bart@smithoropeza.com), [merchant.tricia@leg.state.fl.us](mailto:merchant.tricia@leg.state.fl.us)

Sent: 4/28/2016 9:07:36 A.M. Eastern Standard Time

Subj: Re: KWRU Rate Case - Customer Notice

Ms. Barrera and others,

Further to my e-mail below and having been confronted by angry HOA members last night waving their KWRU "Deposit Notices" asking if the HOA had not paid their sewer bills etc. I am asking the PSC for answers to the many questions KWRU's actions have raised.

First let me clarify my reference in the first paragraph below to the notice I received from the Post Office, this was a notice informing me of a certified letter ready for pick-up and that letter contained the response to my letter to KWRU requesting that Harbor Shores be classified as a General Service customer. There was no letter or notice of the rate increase ever received by the HOA. I also spoke to our regular mail carrier and she confirmed that 69 notices were not delivered to the Harbor Shores office mailbox in the last two weeks. In fact she said that 69 letters would, most likely, not fit in the mailbox. It also appears that KWRU is attempting to sully my reputation by implying that I discarded the 69 letters that they supposedly sent to Harbor Shores.

Moving on to the other subject of the letters received by the Unit Owners yesterday from KWRU requiring security deposits, copies of driver's license and copies of lease(?). KWRU is citing PSC-16-0123-PAA as their authority to require the deposits and other information from our Owners and their letter is stating that each owner will be responsible for the monthly bill for sewer service.

Does this PAA actually require this or is this simply bullying and intimidation tactics for which, I'm told, KWRU is well known for in the Stock Island and Key West community. The only reference that I can find in the PAA is the customer deposit rule which allows for "an additional deposit, in order to secure payment of current bills", if this is what KWRU is using for their deposit demands please explain how this can apply to customers whose bills have been paid on time for the last nine years by the Harbor Shores Homeowners Association.

I would truly appreciate a speedy response to my e-mails because I will need to quickly advise our Unit Owners as to what they should do about the KWRU's demands. It seems clear to us that we are a General Service customer and all of this "game-playing" on the part of KWRU is an attempt to avoid addressing and correcting the problem.

Thank you,

Ann Aktabowski

[770 862-6200](tel:770-862-6200)

In a message dated 4/27/2016 4:19:52 P.M. Eastern Standard Time, [Akta@aol.com](mailto:Akta@aol.com) writes:

Ms.Barrera and others,

With regard to the below message from Mr. Johnson. the certified letter (attached) was mailed on April 23, 2016 and a notice was received from the Post Office late on 4/25/16. I picked up the notice on 4/26/16 after P.O. closing and went to the downtown main Post Office at lunch time today and picked up the letter. As far as the snide comment that I don't live there anymore, that's true but for the record, I live less than two miles away and visit the park and the mailbox every day with very few exceptions. Does Mr. Johnson and others live at their business locations? I doubt it. The association did not receive 69 letters nor did individual Unit Owners.

Since Mr. Johnson does not think this is a real issue let me bring up an even bigger issue. Today I have been confronted with angry Unit owners who have received letters from KWRU, copies of which I have attached in a PDF file below.

It appears that KWRU has decided that the PSC requires deposits from our 69 Unit Owners in Harbor shores because they are **Individual Customers and not General Service customers which we clearly are by contract. KWRU is now trying to unilaterally breach the contract by requiring bills and deposits from individual HOA members.**

The certified letter attached states that a decision on how we are to be categorized must be formally addressed in an administrative hearing, yet KWRU has chosen to, suddenly, after nine years and a contract that states that the association will pay all 69 units, (which they have been doing without interruption) send the Unit Owners the attached letters.

We have indeed asked for a ruling on our status as a General Service or Individual Customers so these notices to the Unit Owners seem to contradict both Harbor Shores and KWRU's cross-petitions.

The timing of this correspondence to the Owners is astonishing, considering the fact that the owners have, to my knowledge, never received any communication from KWRU whatsoever until today.

You should know that Harbor Shores has been told many times that the Association is responsible for the pipes and valves etc. and the reason we must pay all 69 units is because the whole park will be shut down if one unit does not pay.

Please let me know if KWRU is allowed to do this per the PSC PAA without notifying the Harbor Shores Association that we are about to be confronted by angry homeowners who have been taken by complete surprise as have we.

Again, the bills have been paid by the HOA every month for nine years so, even if somehow, KWRU is allowed to collect security deposits, is this situation acceptable to the PSC?

Thank you for your attention to this matter.

Ann Aktabowski  
[770 862-6200](tel:7708626200)

In a message dated 4/27/2016 2:21:20 P.M. Eastern Standard Time, [SAYLER.ERIK@leg.state.fl.us](mailto:SAYLER.ERIK@leg.state.fl.us) writes:

Hi Marty,

I'm **replying all** because Ms. Aktabowski didn't receive your 2:22pm email. She will respond, describing what she received via certified mail which wasn't the customer PAA notice.

By separate email, she will address a developing situation at Harbor Shores that has greatly angered her community.

Erik

*Erik L. Saylor*

*Associate Public Counsel*

[850-717-0337](tel:8507170337)

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Please note: Florida has a very broad public records law and e-mail communication may be subject to disclosure.

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**From:** Martin S. Friedman [mailto:[mfriedman@ff-attorneys.com](mailto:mfriedman@ff-attorneys.com)]  
**Sent:** Wednesday, April 27, 2016 2:22 PM  
**To:** Saylor, Erik <[SAYLER.ERIK@leg.state.fl.us](mailto:SAYLER.ERIK@leg.state.fl.us)>; Martha Barrera <[MBARRERA@PSC.STATE.FL.US](mailto:MBARRERA@PSC.STATE.FL.US)>; akta@aol.com; Schef Wright ([schef@gbwlegal.com](mailto:schef@gbwlegal.com)) <[schef@gbwlegal.com](mailto:schef@gbwlegal.com)>; [jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)  
**Cc:** Chris Johnson <[chris@kwru.com](mailto:chris@kwru.com)>; 'Greg Wright' <[greg@kwru.com](mailto:greg@kwru.com)>; Bart Smith <[bart@smithoropeza.com](mailto:bart@smithoropeza.com)>  
**Subject:** KWRU Rate Case - Customer Notice

Please see the response below.

**MARTIN S. FRIEDMAN, ESQ.**  
*Shareholder*

766 North Sun Drive

Suite 4030

Lake Mary, FL 32746

T: [407.830.6331](tel:407.830.6331)

F: [407.878.2178](tel:407.878.2178)

C: [407.310.2077](tel:407.310.2077)

[mfriedman@ff-attorneys.com](mailto:mfriedman@ff-attorneys.com)

[Facebook](#) | [ff-attorneys.com](http://ff-attorneys.com)

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**From:** Chris Johnson [<mailto:chris@kwru.com>]  
**Sent:** Wednesday, April 27, 2016 1:49 PM  
**To:** Martin S. Friedman <[mfriedman@ff-attorneys.com](mailto:mfriedman@ff-attorneys.com)>; 'Bart Smith' <[bart@smithoropeza.com](mailto:bart@smithoropeza.com)>; 'Greg Wright' <[greg@kwru.com](mailto:greg@kwru.com)>  
**Cc:** [chriskw@bellsouth.net](mailto:chriskw@bellsouth.net)  
**Subject:** RE: PAA Noticing problem

Marty,

We have done some research this morning about the Noticing. Ann Aktabowski has not picked up the Certified Letter that was sent by KWRU to the Harbor Shores address she indicated in her letter to the Utility. Marty, this was the response letter stating that the matter would be addressed at hearing. The Post Office told the Utility this morning that a notice was left at the delivery location informing the addressee that there was a Certified Letter delivery attempt. As far as we can tell the Post Office still has the letter. Maybe she is not getting the mail because she no longer lives at Harbor Shores.

69 customer Notices were sent via First Class US Mail addressed to each account holder care of the Association at 6800 Maloney Ave. Key West, FL 33040. Evidently the Association received these and what they did with them I do not know.

I personally received my letter for my property. Bart Smith confirmed that he received the 4 notices for properties and 2 additional notices were received by other large properties Oceanside and Stock Island Marina Village that he represents.

In addition, I spoke with staff and a handful of customers called in with questions regarding the Notice. Utility Staff confirms phone correspondence with the following customers; Peter Cumalo, Thomas Lara, and Leila Henry about the notice. Other customers have made reference to the notice but did not specifically call about the notice.

Harbor Shores in the last rate case made an issue of Notice as well. From the last rate case, the record shows that the Utility made a good faith effort to Notice all customers. A good faith effort is all a Utility/other business can do when folks refuse to sign for mail.

I have reviewed the Notice issue with staff and I think Harbor Shores is looking to make an issue here. I wear a shirt with the KWRU logo every single day and in the past week several people have mentioned the Notice to me in passing.

I don't think this is a real issue.

Christopher A. Johnson

President

KW Resort Utilities Corp.

6630 Front Street

Key West, FL 33040

[305.522.0052](tel:305.522.0052) Cell

[305.295.3301](tel:305.295.3301) Office

[305.295.0143](tel:305.295.0143) Fax

[www.kwru.com](http://www.kwru.com)