



ORIGINAL  
Public Service Commission



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

**DATE:** October 7, 1999  
**TO:** Joe Garcia, Chairman  
**FROM:** D. Tyler Van Leuven, Staff Attorney, Division of Legal Services *DSM*  
 Cheryl Johnson, Analyst, Division of Water and Wastewater *CJ*  
**RE:** Docket No. 990975-SU - Application for transfer of Certificate No. 281-S in Lee County from Bonita Country Club Utilities, Inc. to RealNor Hallandale, Inc.

On July 29, 1999, Realnor Hallandale, Inc. (Realnor or utility) filed an application on behalf of Bonita Country Club Utilities, Inc. (Bonita) for the transfer of Certificate No. 281-S in Lee County to Realnor. Realnor, the transferee, obtained rights to the transferor's utility through a mortgage foreclosure. Realnor is currently operating the utility as required by Section 367.071(6), Florida Statutes. On September 7, 1999, Michael J. Miceli, as president of Bonita, filed a letter objecting to the application for transfer. Mr. Miceli's objection letter states that Realnor is not entitled to the entire utility as requested in Realnor's application. Accordingly, this matter is currently set for an administrative hearing.

On September 17, 1999, Realnor filed a Motion to Expedite Application for Transfer or in the Alternate to Take Other Specified Action for the Benefit of Customers. Bonita filed no response to the motion and the response time ran on September 29, 1999. There is an issue concerning which entity should receive the revenues from the payment of customer bills pending the Commission's decision on the application. Staff has had difficulty in scheduling a meeting between the parties and has engaged in vigorous discussion as to the appropriate interim solution to recommend that the Commission take to protect the utility's revenues until such time as we can review the utility's books and records to estimate a level of operating expenses which the utility will need to collect on a monthly basis during the pendency of this matter. Staff has scheduled a meeting with the parties on October 12, 1999, and plans to bring a recommendation to the Commission as soon as possible thereafter, to take into account the utility's current level of operating expenses. In an effort to recommend how the utility's revenues should be protected in the meantime, to the benefit of the customers, staff respectfully requests that it be allowed to late-file a recommendation by 2 P.M., Monday, October 11, 1999, for the October 19, 1999, Agenda Conference.

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- SEC \_\_\_\_\_
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

cc: Division of Water & Wastewater (Williams, Messer, Johnson, Redemann)  
 Division of Auditing and Financial Analysis (Welch)  
 Division of Records and Reporting  
 Division of Records and Reporting (Bayó, Purvis)  
 Mary Andrews Bane, Deputy Executive Director, Technical

*Recommend approval.*  
*MAB*  
*OK*  
*Chairman*