



Public Service Commission

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

DATE: March 22, 1999
TO: Division of Records and Reporting (Wang)
FROM: Division of Legal Services (Ferguson) *[Handwritten initials]*
RE: Docket No. 981781-SU Application for Amendment of Certificate No. 247-S to Extend Service Area by the Transfer of Buccaneer in Lee County to North Fort Myers Utility, Inc.

Please file the attached Objection to the Motion for Reconsideration in the docket file. Thank you.

cc: Division of Water and Wastewater (Messer, Redemman)
Department of Business & Professional Regulation,
Division of Land Sales (O'Brien)

I:\981781-M.CF

ACK _____
 AFA _____
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
 LIN _____
 OPC _____
 RCH _____
 SEC 1
 WAS _____
 OTH Wang Done 3/25/99

DOCUMENT NUMBER-DATE

03718 MAR 22 99

287

FPSC-RECORDS/REPORTING

Before the Florida Public Service Commission

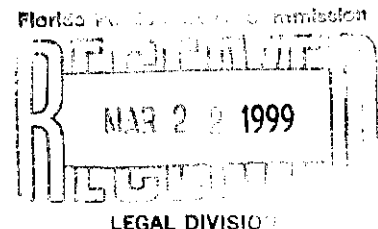
IN RE: Application for Certificate No 247-S to extend wastewater service area by transfer of Buccaneer Estates in Lee Co., Florida, to North Fort Myers Utility, Inc., as per PSC docket 981781-SU

OBJECTION TO MOTION FOR RECONSIDERATION

We, the undersigned homeowners of Buccaneer Estates, North Fort Myers, Florida, do object to the Motion For Reconsideration of PSC Order No 99-0492-SC-SU, as forwarded to the Public Service Commission by the above mentioned Utility, through its attorneys, on, or about, March 10th, 1999, and in support thereof state:

1. In its Emergency Motion to Implement Rates and Charges which preceded this action, North Fort Myers Utility, Inc, ("NFMU") advised the Commission that it had indeed, made a "mistake" in believing that Buccaneer Estates mobile home park was within its certificated service area.

This "mistake" has now come back to rest with the party that committed it in the first place! This same party should bear the burden of its "mistake" and not try to put the cost of it on the shoulders of others; in this case, the Buccaneer Homeowners, ("homeowners") who were not party, to even the slightest part of the original developer



agreement which was mistakenly concluded between NFMU and the park owners on , or about, August 25, 1998.

Indeed; the homeowners were excluded from obtaining even the slightest clue as to the negotiations that were taking place between NFMU and the park owners in the pursuit of this developers' agreement. All negotiations were held well out of the sight of the homeowners, with the intent, we believe, to coerce the homeowners into a position of believing that all parts of the agreement were above reproach and that the homeowners would not see fit to question its validity and or its authenticity.

The homeowners were never invited or allowed to participate in any part of the developers' agreement and they should not be made to bear any of its costs or repercussions unless a court of law decides otherwise.

2. In the NFMU's Motion for Reconsideration, (para 4, line 10) NFMU states that there is a binding contract for NFMU to supply wastewater service to Buccaneer, but that the park owner has no such obligation.

The park owners were never mandated by any authority to shut down their wastewater plant; or to connect to the NFMU system; or to dismantle any part of their plant; or to discontinue their service

without a proper rental rate adjustment. They have continued to ignore many sections of fs 723 which place certain obligations on them. (These obligations may be fully explored, in a court of law, at a later date.) Rental contracts still call for the park owner to supply wastewater services and no action taken by the park owners has so far disproved that fact.

The developer's agreement has been so corrupted by both parties actions, both before, as well as after its signing, that it is no longer meaningful, and indeed may now be worthless, and therefore NFMU should seek redress for any wastewater compensation directly through negotiations with the park owners. Both of these parties have much experience in dealing with each other, as we well know!

We humbly request that the Commission disregard this Motion for Reconsideration

Respectfully submitted on this 18th day of March, 1999 by

Ronald Ludington,
509 Avanti Way ,
North Fort Myers FL 33917



Certificate of Service

I hereby certify that true and correct copy of the foregoing Objection to Motion for Reconsideration has been forwarded on the 18th day of March 1999, via US Postal Service to:

M. Friedman; Rose, Sundstrom and Bentley, LLP, 2548 Blairstone Pines Dr., Tallahassee, FL, 32301

Stephen Reilly, Office of Public Counsel, 111 West Madison St., Room 812, Tallahassee FL 32399-1400.

Cleveland Ferguson, Legal Division, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee FL 32399-0850;

and that copies were hand delivered to:

Donald Gill, 674 Brigantine Blvd., North Ft. Myers FL 33917

Joseph Devine, 688 Brigantine Blvd., North Ft. Myers FL 33917



Ronald Ludington