

ORIGINAL

P.O. Box 791
Eastpoint, FL 32328

Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

December 20, 1999

991812-SU

Dear Sir,

Pursuant to the legal notice in the Apalachicola Times, Dec. 9, 1999, regarding the application to transfer wastewater certificate # 492S held by Resort Village Utility Inc. to SGI Utility, LLC to provide service in Franklin County Florida, I herewith file my objection to the proposed transfer.

According to the deed for the property which was sold to St. George Island Limited Partnership, the deed provides "less and except" certain parcels, namely, the site for the proposed sewer plant which was not a part of the sale.

Previous challenges by me and others to the proposed Resort Village sewer application and DEP's "Intent to Permit" notice, as well as a challenge to Resort Village's "small scale development" of 9.6 acres which did not include the absorption beds was found to be contrary to Florida regulations by the State Administrative Council. In both instances, it was clear that the sewer operation needed to include both the plant site and operations and the absorption beds as a single entity.

In the present situation you have one owner of the plant site (Johnson) and a different owner of the absorption beds (SGI Limited Partnership) Conversations with both DEP and PSC representatives verified that certificates do not transfer with the land. Accordingly, it is reasonable to conclude that neither party, Johnson or St. George Island Limited Partnership is currently authorized to operate the said sewer facility by virtue of divided ownership interest, with neither in possession of the complete and required property.

Furthermore, it seems highly relevant that the development of the Resort Village Phase I has significantly altered the land area adjacent to the absorption beds through the creation of a small but deep lake on the north side of Leisure Lane, not within the approved development area. The excavation for the lake provided fill for the existing hotel/pool site. When the absorption beds were approved, the lake was non-existent and not anticipated. In addition, the developers have built a structure which is not included in the approved Phase I Plan submitted to DCA. Also, it should be noted that the parking area for the existing hotel encroaches on the right of way on Leisure Lane which impacts on drainage and run-off, and may violate easement rights to which every property holder in the Plantation is entitled.

Certainly any transfer of either the PSC certificate or the DEP certificate should include further evaluation of the changed circumstances which I have reported. Thank you for the opportunity to comment on this situation.

Yours truly,

Thomas H. Adams
Thomas H. Adams
(850-927-2670)

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CC. Resort Village Utility
DEP
DCA

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