

ORIGINAL

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STAR CALDERON

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KISSIMMEE, FL 34742-1549

July 31, 2001

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MAIL ROOM

Public Service Commission
Director, Division of Commission Clerk & Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

TO: The Honorable Members of the Public Service Commission and Staff

FROM: Norman J. Smith, Brinson, Smith & Smith, P.A.
and the Residents and Homeowners of Kings Point Subdivision,
Osceola County Florida

SUBJECT: The Application for Certification of Kings Point Utility, Inc.

In response to the Notice of Application For An Initial Certificate Of Authorization For Water And Waste Water Certificates, the undersigned on his behalf and on behalf of the Residents and Homeowners of Kings Point Subdivision, Osceola County Florida, do herewith file our objection to the applications, demand that a public hearing be held convenient to the area sought to be served and that each and every one of us be additionally notified of any further proceedings and be copied with any filings or pleadings in this case.

There is attached hereto and enclosed herewith individual signatures on Petitions responding to the Notice of Application. These enclosed signatures represent over 90% of the households in the Kings Point Subdivision, which has approximately 156 total plated lots, and 146 households. Of the ten vacant lots in the subdivision, three of those owners have also joined in these Petitions. There are approximately 205 signers of this Petition.

The objections of the Residents and Owners in Kings Point are set forth generally in the Petitions enclosed, however, we can summarize the objections as relating to the past experience with the applicant company and the sole owner/director/officer of that company. We enclosed a sample of correspondence received by one of the Residents of Kings Point in response to complaints that they filed with the Public Service Commission in 1989. We also enclose, for your information, the Final Judgment entered in the circuit court for Osceola County Florida, wherein the State of Florida Department of Environmental Regulation got judgment against Kings Point Utility, Inc. and Walter L. Medlin as a result of numerous serious violations in the operation of the Utility together with a

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Public Service Commission Memo

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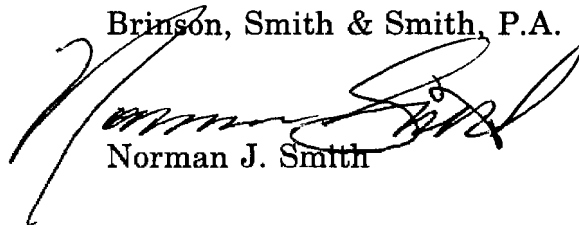
monetary judgment which now should be worth well in excess of \$100,000.00, none of which has ever been paid.

It has also been communicated to the Residents of Kings Point, by representatives of the Applicant, that their water and sewer rates could increase as much as 300% or more if this company is allowed to resume the operation of these utility services. In addition to the obvious direct financial impact on the Residents of Kings Point, such a dramatic increase would place this subdivision so far out of line with the rest of the County as to dramatically affect the property values and resale potential of all of the properties in the subdivision.

We look forward to working with the Commission and staff and proceeding through the process of this application.

Yours very truly,

Brinson, Smith & Smith, P.A.

A handwritten signature in dark ink, appearing to read "Norman J. Smith", is written over the typed name. The signature is fluid and cursive, with a large initial "N" and "S".

Norman J. Smith

NJS/rr

Enclosures

cc: Martin Friedman, Esquire
Public Counsel

TO: Florida Public Service Commission, Tallahassee, Florida
RE: Application of Kings Point Utility, Inc.

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Our prior experience with them left us frequently without water or with water of questionable quality, and with sewage escaping from the system into open ditches, and we cannot expect them to do any better now. This company and its Principal(s) are simply not proper parties to hold the quality of life, health and property values of this community in their hands.

The City of Kissimmee has upgraded, repaired and operated this system for several years in a very satisfactory manner. They should continue to do so for the benefit of our Community.

We demand that a Formal Hearing be held on this application in the City of Kissimmee, and that each of us be provided henceforth with copies of all filings and Notices herein.

NAME	ADDRESS
Norm Mahony	1809 King Edward Drive
George Mahony	1809 King Edward Drive
Gen T. Tosta	1781 King Charles Dr. Kiss.
Gen Tosta	1781 King Charles Dr. Kiss. 34744
Robert E. Baker	1730 King Henry Dr. Kiss 34744
Thomson, Paul	1757 King Phillip Dr. Kiss. 34744
Robert G. Crowe	1734 King Phillip Kiss 34744
Jesse Moore	1780 " " Charles Dr. 34744
Bonnie Sloan	1780 King Charles Dr. 34744
Jack O'Hara	1780 KING GEORGE DR
Robert Hays	1780 King George Dr., 34744 Kiss.
Rena Chisholm	1755 Kings Hwy Kiss, Fl. 34744
Steven R. Chisholm	1755 Kings Hwy, Kissimmee, Fl 34744
Charles Wright	1747 King Hwy Kissimmee 34744

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NAME	ADDRESS
Kenneth R. Koppelman	1770 King Henry Dr Kissimmee, FL 34744
Mr. Tagget, Sr.	1760 King Henry Dr. Kiss. FL 34744
Robert Channah	1731 King Henry Dr Kiss. FL 34744
ANA I. RINCON	1761 KING HENRY DR KISSIMMEE FLA 34744
Ronald Rhodes + Virginia Rhodes	1760 Kings Point Blvd. Kissimmee, FL 34744
Colleen + Tom Cody	1740 KING ARTHUR CT, KISSIMMEE FL 34744
Linda + Ralph Kent	1719 King Arthur Ct Kissimmee FL 34744
Ray Muniz	1709 King Arthur Ct Kissimmee FL 34744
Bill Fisher	1767 KING EDWARD DR KISS. FL 34744
JEFF + THERESA FOREMAN	1771 King Henry Dr Kiss. FL 34744
THOMAS + VIRGINIA TAYLOR	1751 KING HENRY DR KISS FL 34744
Ray + Paulette Henry	1731 King George Dr. Kiss, FL 34744
Janice M. Mendenhall	1781 King George Dr Kiss FL 34744

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NAME	ADDRESS
Stanley Rogers	1859 King Edward Dr.
Patricia C. Rogers	Kissimmee FL 34744
Thomas A. Phelps	1869 King Edward Dr
Paula Phelps	Kissimmee FL 34744
Joey Jansen	1860 KING EDWARD DR.
Patricia Jansen	KISSIMMEE, FL 34744
Karl R. Daniel	1890 KING EDWARD DR.
Clayton	KISSIMMEE FL 34744
Doree Parker	1880 King Edward Dr Kiss. FL 34744
Rick Parker	1880 King Edward Dr Kiss FL 34744
Chace Bruger	1730 King Arthur Ct Kiss FL 34744
M	1730 King Arthur Ct Kiss FL 34744
Sean D. Marquardt	1740 King Charles DR Kissimmee FL 34744
Don W. Marquardt	1740 KING CHARLES DR KISSIMMEE FL 34744

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NAME	ADDRESS
3 Cleffie S. CLEFFIE & MICHAEL	1795 KING EDWARD DR KISSIMMEE, FL 34744
Patricia Janice Forbes 933 4705	1781 King Edward Dr. Kissimmee, FL 34744
Theanora S. Hill Theanora S. Hill	1755 King Edward Dr. Kissimmee, FL 34744
Janet E. Johnson Janet E. Johnson James A. Johnson	1747 King Edward Dr. Kissimmee, FL 34744-6405
Sam Stanley Sam Stanley	1727 King Edward Dr Kiss. FL 34744
Frank & Betty Smith	1735 King Edward Dr Kiss. FL 34744
Marquerite VanDongen William VanDongen	1738 King Edward Dr Kiss. FL 34744

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NAME	ADDRESS
R E Broyles	1770 Kings Pt. Blvd. Kiss, FL
H.M. Cederhaus	1759 Kings Pt Blvd Kissimmee, FL 34744
Virginia B. Moore	1748 Kings Point Blvd.
Walter Moore	Kissimmee, Fla. 34744
Dean Bathalon	1739 Kings Point BLVD.
Donna Bathalon	KISSIMMEE FLA. 34744
Lisa Mager	1728 King Edward Dr.
James	Kissimmee, FL 34744
James J. Jordan	1719 King Edward Drive, Kissimmee
Scott H. Hawn	1789 KINGS PT BLVD 34744
Walter A. Hawn	1860 Kings Pt Blvd 34744
x Inge Kimm	1890 Queens Ct, KISS, FL 34744

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NAME	ADDRESS
Joan Langlois	1770 King George Dr.
Deirdre Langlois	1770 King George Dr
Don Johnson	1770 King George Dr
Butt	1770 King George Dr
Stephen & Angela Lewis	1760 King George Drive
James Ray	1741 King George Drive
Joseph O'Neill	1730 King George Dr.
Patrice O'Neill	1730 King George Dr
Agnes Robertson	1741 King Charles Dr
Harold J. Robertson	" " " "
Teresa K. Ostrowski	1760 King Charles Dr
Kim Siebelink	1784 King Charles Dr.
WALTER OSTROWSKI	1760 King Charles Dr.
Chris/Patrice Palmer	1766 King Phillip Dr.

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NAME	ADDRESS
Terry Seagraves	1740 King George Dr,
Terry Seagraves	Kissimmee, FL 34744
Norman & Nancy Smith	1769 Kings Point Blvd.
	Kissimmee, FL 34744
Laurie & Fred Varner	1870 King Edward Drive,
Lauren & Fred Varner	Kissimmee, FL 34744
Jon & Anne-Marie McCormack	1859 Kings Point Blvd
	Kissimmee FL 34744
Robert & Julie (Barber)	1901 Kings Point Blvd
	Kissimmee, FL 34744
X Donald Rayner	1911 Kings Point Blvd
	Kissimmee FL 34744
Walter M. [unclear]	1921 Kings Point Blvd. Kissimmee 34744
John H. [unclear]	1800 King James Rd " 34744
Golly Luegel	1800 King James Rd " 34744
Scott Blasdell	1900 QUEENS CT # 34744

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NAME	ADDRESS
James Richardson	1798 KING PHILLIP DR. KISS. FL. 34744
Thomas P. Stute	1782 KING PHILLIP DR. KISS. FL. 34744
Robert F. Miller Jr.	1758 KING PHILLIP DR. KISS. FL. 34744
Mark A. Ferguson	1750 KING PHILLIP DR. KISS FL 34744
Harold L. Robertson, Jr.	1742 KING PHILLIP DR KISSIMMEE, FL. 34744
William J. King	1734 King Phillip Dr Liss, FL 34744
Heidi Jackson	1718 King Phillip Dr. KISS. FL 34744

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Bonnie White	1748 King Edward Dr. Kissimmee FL
Ralph White	1748 King Edward Dr. Kissimmee FL
Jamie Wood	1748 King Edward Dr. Kissimmee FL
James Wood	1748 King Edward Dr. Kissimmee FL
Ray Jurey	1778 King Edward Dr. Kissimmee, FL
Rhonda Jurey	1778 King Edward Dr. Kissimmee, FL
Doug & Judy R.	1788 King Edward Dr. Kissimmee, FL
Madalyn R.	1788 King Edward Dr. Kissimmee, FL
Sue & Jim Huel	1839 King Edward Dr. Kiss FL
Julia & Jim Waldheim	1829 King Edward Dr. Kiss FL 34744
Ly Jaggart Jr.	1839 King Edward Dr. Kissimmee, FL
Malinda Booth	1849 King Edward Dr. Kissimmee FL 347
Charles W. Craft	1850 King Edward Dr., Kiss
Nell Craft	1850 King Edward Dr., Kiss

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<i>Harmon Preston</i>	<i>1756 Kings Point Blvd. Kissimmee, FL 34744</i>
<i>Joseph Russo</i>	<i>1729 Kings Point Blvd Kissimmee, FL 34744</i>
<i>Ron A. Johnson</i> <i>Sandra M. Johnson</i>	<i>1740 Kings Point Blvd Kissimmee, Fla 34744</i>
<i>Jill Collette</i> <i>James Johnson</i>	<i>1730 Kings Point Blvd Kissimmee, FL 34744</i>
<i>James Johnson</i> <i>Steve Stack</i>	<i>1720 Kings Point Blvd 1710 Kings Point Blvd.</i>
<i>Michael + Cynthia Lee</i> <i>Cynthia Lee</i>	<i>1700 Kings Pt Blvd Kiss, FL 34744</i>
<i>Kim + Bernice Griffith</i>	<i>1700 Kings Point Blvd 1779 King James Rd.</i>

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NAME	ADDRESS
Brent Spear	1880 Queen Ct Dr. Kiss.
Beth Connolly	1850 16th St. Kiss. Fla.
X Amy Johnson	1850 Kings Ct.
X Estelle Ramirez	1849 Kings St. Blvd
Jarvis Burkhardt	1785 KING GEORGE DR
Janet Menifield	1781 King George Dr. Kiss FL
ASHLEY	1761 King George Dr Kiss, FL
James M. Frank	1761 King George Dr Kiss
Michael	1761 King George Dr. Kiss FL
Thomas Sete	1810 King Edward Kiss FL
Holly Sete	1810 King Edward Kiss FL
Mary Newman	1790 King Henry Kiss, Fla

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Mike Krensky	1751 King George
David Appellbaum	1750 King George
Arthur Barnes	1771 King George Dr.
R. J. B.	1810 King James Road
Betsy Bratz	1810 King James Road
Pat H.	1889 Kings Point Blvd
Margaret Newman	1829 Kings Point Blvd
Gin & Marilyn Balaban	1899 King Edward Dr.
Thomas J.	1840 Kings Point Blvd
Cindy Barton	1750 King Henry Dr.
Melvin B.	1775 KING ED. Dr.
Maurice Sindenley	1775 King Edward Dr.
James J.	1752 King Arthur Ct. 34744.
Enrico Mancini	1767 Kings Hwy Kiss, FL 34744

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Barry Kinn	1890 Queens Ct. Kissimmee, FL 34744
Patricia & Don Morris	1809 King James Rd Kissimmee FL 34744
Walker Williams	1820 King James Rd Kissimmee FL 34744
Patricia Williams	1820 King James Rd Kissimmee, FL 34744
Ann P. Baxter	1790 King James Rd. Kissimmee, FL 34744
Joseph B. Bost	1790 KING JAMES RD. KISS FL 34744
Servino R. Saffelt	1779 King James Rd Kiss. FL
Joseph & Ladonna Baldwin	1830 KING JAMES RD Kiss. FL 34744
Terry L. Crisp	1799 Kings Point Blvd Kiss FL 34744
Robert L. Crisp	1799 Kings Point Blvd, Kissimmee FL 34744
Dorothy Hickman	1788 Kings Pt Blvd Kiss 34744
Walter Wofford	1749 Kings Point Blvd
Jamie Rush	1701 Kings Point Blvd
Jim Orr	1779 Kings Point Blvd

TO: Florida Public Service Commission, Tallahassee, Florida
RE: Application of Kings Point Utility, Inc.

In response to the Notice of Application for an Initial Certificate by Kings Point Utility, Inc., we the undersigned, who are residents and/or owners in the subdivision of Kings Point, a part of the service area described in said application, do hereby make objection to the issuance of the Certificates applied for.

This company and the principal(s) heretof have previously operated our water and sewer system in an unsatisfactory manner, being cited by appropriate State Agencies and having to give up the operation to an appointed Receiver. They did not have the money nor the desire to keep the system repaired then and we do not believe they do now. We believe that they were found in violation of State laws and regulations and that fines were levied that were never paid.

Our prior experience with them left us frequently without water or with water of questionable quality, and with sewage escaping from the system into open ditches, and we cannot expect them to do any better now. This company and its Principal(s) are simply not proper parties to hold the quality of life, health and property values of this community in their hands.

The City of Kissimmee has upgraded, repaired and operated this system for several years in a very satisfactory manner. They should continue to do so for the benefit of our Community.

We demand that a Formal Hearing be held on this application in the City of Kissimmee, and that each of us be provided henceforth with copies of all filings and Notices herein.

NAME	ADDRESS
Mr. and Mrs Sam Estey	1710 King Phillip Dr.
Mr & Mrs William B. H. Ash	Tha. and Mrs Sam Estey 1794 King Phillip Dr. Kissimmee FL 34744
Mr + Mrs. Fricchione	1727 King Phillip Dr. Kiss. FL 34744
Margaret Fricchione	1703 King Phillip Dr. Kissimmee FL 34744
Robert G. (MRHMS) G. G. G. G.	1790 King Phillip Dr Kiss, FL 34744
Mr & Mrs. Whipple	1839 King R Blvd Kiss FL 34744
Mr. + Mrs. Brammer	1879 Kings Point Blvd. Kiss. FL 34744
Mr & Mrs Roland Chevalier	1775 Kings Hwy. Kiss., FL 34744
Mr & Mrs. Smith	1781 Kings Hwy Kissimmee FL 34744
Mr & Mrs R. Grove	1741 Kings Hwy Kissimmee FL 34744
B. J. Hame	1734 King PHILLIP DR KISSIMMEE FL 34744
	1819 King Edward 34744

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NAME	ADDRESS
Jain Day	1761 Kings Hwy. Kissimmee, FL 34744
Robert Serube	1735 Kings Hwy. Kissimmee, FL 34744
John J. Ellis	1719 Kings Hwy. Kissimmee FL 34744
Shirley Henderson	1711 Kings Hwy. Kissimmee Fl 34744
Felix B. Hansen	1711 Kings Hwy. Kissimmee Fl 34744
MRS. E. M. Hansen	1795 Kings Highway, KISSIMMEE, FL 34744

State of Florida

Commissioners:

MICHAEL McK. WILSON, CHAIRMAN
THOMAS M. BEARD
BETTY EASLEY
GERALD L. (JERRY) GUNTER
JOHN T. HERNDON



DIVISION OF CONSUMER AFFAIRS
GEORGE B. HANNA, DIRECTOR
TOLL FREE 1-800-342-3552
(904) 488-7238

Public Service Commission

March 7, 1989

Mr & Mrs. Walter Moore
1748 Kings Point Blvd.
Kissimmee, Florida 32743

Dear Mr. & Mrs. Moore:

Thank you for your recent communication with this Commission concerning Kings Point Utility, Inc.

Because of the number of complaints that we received against Kings Point Utility, Inc., I asked our Division of Water and Sewer of the Public Service Commission to investigate your concerns. On February 9, an inspection of Kings Point Utility's water and wastewater treatment plants was conducted by Mr. John Kraynak of the Division of Water and Sewer with the following results:

(1) Several deficiencies exist at the water treatment plant which have resulted in (a) the Department of Health and Rehabilitative Services (HRS) taking 12 drinking water bacteriological analysis per day, (b) the Department of Environmental Regulation (DER) preparing a consent order to correct the deficiencies, and (c) the boil water notice sent to Mr. Walter Medlin of Kings Point from Mr. Joseph McNamara of the Department of Environmental Regulation.

(2) Several deficiencies also exist at the wastewater treatment plant which have resulted in the DER preparing a consent order for the plant which would require correction of all deficiencies.

It appears that the utility is currently not in compliance with the DER for either its water or wastewater treatment plant. Deficiencies at the water plant include, but are not limited to: no flow meter, no back-up well or auxiliary power, and at times, no chlorine residual. Deficiencies at the wastewater treatment plant include, but are not limited to: a discharge of effluent from the utility's east percolation pond, and a poor quality of effluent in several different components of the plant.

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Page Two

As noted above, though both plants currently have several deficiencies to be corrected, the Department of Environmental Regulation and the Department of Health and Rehabilitative Services are actively involved in bringing the utility into compliance with standards that assure the safe and adequate provision of service to utility customers. The Division of Water and Sewer will continue to monitor all action taken by the DER and HRS to insure that such service is provided to Kings Point customers as soon as possible.

Please do not hesitate to contact me if you have further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stella Maloy".

Stella Maloy
Consumer Affairs Analyst
Division of Consumer Affairs

SM:kt

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT IN AND FOR
OSCEOLA COUNTY, FLORIDA

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Plaintiff,

Case No. CI89-174

KINGS POINT UTILITY, INC.,
WALTER LEE MEDLIN, and
WILLIAM R. WRIGHT, as Trustee,

Defendants.

RECEIVED
JAN 18 1991

FINAL JUDGMENT

Dept. of Environmental Reg.
Office of General Counsel

THIS CAUSE initially came before the Court for trial on October 16, 1990, at which time Plaintiff, State of Florida Department of Environmental Regulation ("FDER"), put on its direct case. Trial as to Defendant, Kings Point Utility, Inc., was completed on December 20, 1990. This final judgment is entered only with respect to DER's claims against Defendant, Kings Point Utility, Inc.

Based on the evidence presented and the matters established in the below-referenced order granting motion for partial summary judgment, the court FINDS:

1. This Court has subject matter and personal jurisdiction and venue in this Court is proper.

2. Defendant, Kings Point Utility, Inc., operates the water and sewer systems serving the Kings Point Subdivision, Kings Highway, Kissimmee, Osceola County, Florida.

April 1, '91 { 1. Contempt - 45 days.
3 P.M. { 2. In arrears
Judge Stroger { 3. Give Up.

3. By order entered October 11, 1990, the Court granted a motion for partial summary judgment, establishing the liability of defendant, Kings Point Utility, Inc., on Counts I-XXI of DER's Second Amended Complaint.

4. Several of the water system violations established by the order granting motion for partial summary judgment are continuing in nature. These include certain physical violations at the plant, including failure to provide a minimum two drinking water supply wells (Count XI); failure to provide a source of adequate auxiliary power equipped with an automatic start-up device (Count XII); and a minor violation involving rust at the pressure tank (Count XIII). The continuing violations also include failure to establish a required cross-connection control program (Count X) and operation without a clearance letter (Count XIV). In addition, the system has continued to fail to meet the requirement for a minimum 0.2 mg/l chlorine residual throughout the distribution system at all times (Count I).

5. Defendant, Kings Point Utility, Inc., has also failed to comply with the order dated June 21, 1990, which directed it by no later than August 5, 1990 to implement and place into service the looping of the water distribution lines, as approved by DER, as well as to complete satisfactory bacteriological and pressure testing in accordance with DER rules, provide an engineer's certification of completion, and receive a DER letter of clearance with respect to these modifications. Compliance with these requirements would have addressed the continuing chlorine residual problem (Count I) and the continuing operation without a clearance letter (Count XIV). Pursuant to the terms of the order, Defendant, Kings Point Utility, Inc., owes DER a stipulated penalty of \$150.00 per day past August 5, 1990 in which these requirements were not complete.

6. In addition to the continuing water system violations, the following previous violations relating to the water system were established by the order granting motion for partial summary judgment: failure to comply with boil water notice chlorine standards (Count II); excessive coliform bacterial levels (Count III); failure to submit satisfactory bacteriological test results (Count IV); failure to provide a certified operator on-site to make at least one weekend visit and perform weekend plant operation and maintenance requirements (Count V); excessive odor level (Count VI); failure to equip the system with an accurate metering device (Count VII); failure to construct a concrete platform or apron at the top of the well casing (Count VIII); and failure to install a check valve between the raw water sampling tap and the aerator (Count IX).

7. Several of the sewer system violations established by the order granting motion for partial summary judgment are continuing in nature. These include failure to submit a construction permit application for bringing the wastewater facilities into compliance (Count XVIII); unpermitted overflow from the percolation ponds to a ditch ultimately flowing to Lake Tohopekaliga (Count XIX); failure to effectively treat raw sewage entering the wastewater plant, producing substandard effluent in violation of state standards, including standards for BOD and TSS (Count XX); and operation of the treatment and disposal facility without the required DER permit (Count XXI). The order granting motion for partial summary judgment also established a previous violation of failure to keep blowers in service at the wastewater plant (Count XVII).

8. Defendant, Kings Point Utility, Inc., entered an administrative Consent Order with DER which was effective on May 19, 1989. The Consent Order

was intended to address problems at the sewer system. The order granting motion for partial summary judgment encompasses certain violations of this Consent Order, i.e., the continuing failure to pay to DER the amount of \$3,500 as required under the Consent Order (Count XVI); the previous failure to timely submit an engineering report and proposal for improving the sewer system (Count XV); and the continuing failure to submit a construction permit application for bringing the wastewater facilities into compliance (Count XVIII).

9. In Count XXII, DER seeks to enforce paragraph 26 of the Consent Order, which required payment of \$100 per day per violation of the Consent Order. This provision applies to the violations of the Consent Order set forth in paragraph 8 above.

10. Paragraph 20 of the Consent Order allows DER to seek judicial resolution of the sewer system violations due to the failure of Defendant, Kings Point Utility, Inc., to receive from DER an intent to issue a construction permit to modify the sewer system facilities within 150 days of the effective date of the Consent Order on May 19, 1989.

It is hereby ORDERED and ADJUDGED:

I. Judgment is ENTERED in favor of DER against Defendant, Kings Point Utility, Inc., on Counts I-XXII of DER's Second Amended Complaint.

II. A permanent injunction is ENTERED in favor of DER against Defendant, Kings Point Utility, Inc., requiring Defendant, Kings Point Utility, Inc., to perform the following corrective actions within the specified time periods:

(a) Within 45 days of entry of this Final Judgment, Defendant, Kings Point Utility, Inc., shall install and place into service a minimum two drinking water supply wells at the Kings Point water system, in accordance with Florida Administrative Code ("FAC") Rule 17-555.315(1).

(b) Within 45 days of entry of this Final Judgment, Defendant, Kings Point Utility, Inc., shall install and place into service a source of adequate auxiliary power equipped with an automatic start-up device to the Kings Point water system, in accordance with FAC Rule 17-555.320(6).

(c) Within 45 days of entry of this Final Judgment, Defendant, Kings Point Utility, Inc., shall maintain the pressure tank at the Kings Point water system in good operating condition, in accordance with FAC Rule 17-555.350(1), through removal of the rust.

(d) Within 45 days of entry of this Final Judgment, Defendant, Kings Point Utility, Inc., shall establish a routine cross-connection control program for the Kings Point water system, in accordance with FAC Rule 17-555.360(2).

(e) Within 45 days of entry of this Final Judgment, Defendant, Kings Point Utility, Inc., shall complete construction and place into service the looping of the Kings Point water distribution lines, as approved by DER, as well as complete satisfactory bacteriological and pressure testing in accordance with DER rules, provide an engineer's certification of completion, and receive a DER letter of clearance with respect to these modifications in accordance with FAC Rule 27-555.345. The Court reserves jurisdiction to order further actions if these improvements fail to ensure a minimum 0.2 mg/l chlorine residual or its equivalent throughout the Kings Point distribution system at all times, in accordance with FAC Rule 27-555.350(1).

(f) Within 60 days of entry of this Final Judgment, Defendant, Kings Point Utility, Inc., shall submit a complete construction permit application to DER for bringing the Kings Point sewer system into compliance with FAC Chapters 17-4 and 17-600. The modifications encompassed within the

application shall include but not be limited to all modifications necessary to ensure: (i) the effective treatment of effluent entering the treatment plant in accordance with the treatment standards in FAC Chapter 17-600, including but not limited to standards for BOD and TSS effluent pursuant to FAC Rule 17-600.420(1); and (ii) no more unpermitted overflows from the system's percolation ponds or other unpermitted disposals or discharges of wastewater.

(g) Within 300 days of entry of this Final Judgment, Defendant, Kings Point Utility, Inc., shall obtain a DER construction permit, and shall construct and shall place into operation in accordance with the permit, all modifications to the Kings Point sewer system necessary to ensure compliance with FAC Chapters 17-4 and 17-600. The modifications shall include but not be limited to all modifications necessary to ensure: (i) the effective treatment of effluent entering the treatment plant in accordance with the treatment standards in FAC Chapter 17-600, including but not limited to the standards for BOD and TSS effluent pursuant to FAC Rule 17-600.420(1); and (ii) no more unpermitted overflows from the system's percolation ponds or other unpermitted disposals or discharges of wastewater.

(h) Within 35 days of entry of this Final Judgment, Defendant, Kings Point Utility, Inc., shall dispose of all sewage skimmings at the sewer plant in accordance with state regulations and thereafter continue to dispose of all sewage skimmings in accordance therewith.

(i) As an interim measure prior to implementation of the permitted modifications pursuant to subparagraphs (f) and (g) above, and within 35 days of entry of this Final Judgment, Defendant, Kings Point Utility, Inc. shall (i) keep the percolation ponds clear of vegetation; (ii) install a staff gauge at each percolation pond, record the daily pond levels, and provide the

levels with the monthly operating reports to DER; and (iii) with a licensed hauler, transport and dispose in accordance with state regulations any wastewater in the percolation ponds which is at a higher level than one foot below the lowest discharge point of each pond, and notify DER within 24 hours of all such episodes of wastewater at or above this level and each such transportation and disposal of wastewater, including the name of the hauler, the quantity hauled, and the method and place of disposal.

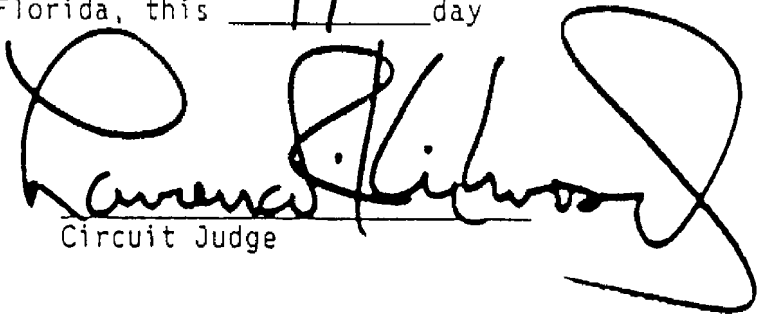
III. The injunctive relief granted pursuant to this Final Judgment shall be binding on Defendant, Kings Point Utility, Inc., its officers, agents, servants, employees and attorneys and on those persons in active concert or participation with them who receive actual notice of the injunction.

IV. Monetary judgment is hereby ENTERED in favor of DER against Defendant, Kings Point Utility, Inc., in the total amount of \$ 89,571.00 for which let execution issue. DER is being awarded this total amount based on the following: (i) with respect to the water system violations, \$ 30,000.00 in civil penalties under Section 403.860(1), Florida Statutes, and \$ 10,650.00 in stipulated penalties under the Court's order dated June 21, 1990; (ii) with respect to the sewer system violations, \$ 40,000.00 in civil penalties under Section 403.141(1), Florida Statutes, and \$ 5,900.00 in stipulated payments under the administrative Consent Order entered with DER on May 19, 1989; and (iii) \$ 3,021.00 in costs and expenses under Section 403.141(1), Florida Statutes.

V. The Court reserves jurisdiction to enforce the terms of this Final Judgment and to enter such further orders as are necessary to bring the Kings Point water and sewer system into compliance with Chapter 403, Florida Statutes.

DONE AND ORDERED in Osceola County, Florida, this 11 day
of ~~December, 1990~~

Jan. 1991


Circuit Judge

conformed copies furnished to:
Steven A. Medina, Esq.
Martin Friedman, Esq.
Stephen Miles, Esq.
Walter Lee Medlin