

ORIGINAL

050820-WS

Alan & Marilyn Baruch

29470 PINE VILLA CIRCLE, PUNTA GORDA, FL 33982
PHONE: (941) 916-0490 OR 916-1540 FAX (941) 575-0465

RECEIVED-PPSC

NOV 14 PM 3:45

COMMISSION
CLERK

November 10, 2005

Director, Division of the Commission Clerk
& Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Sirs:

We are in receipt of a notice issued October 18, 2005, pursuant to Section 367.045, Florida Statutes, of the application of MSM Utilities, LLC to amend its Water Certificate No. 611-W and Wastewater Certificate No. 527-S to add territory in Charlotte County Florida as described in Exhibit A (attached).

We wish to raise our objection to this increase of their territories covered by the proposal. The reasons are as follows:

1. The project will conflict with the City of Punta Gorda and Charlotte County's utility development plan.

2. As the county utilities grow around us, the county will be forced to purchase the franchise from MSM Utilities specifically if they cannot maintain regulatory compliance of their systems or the physical and the economic demand for the water/wastewater rights. MSM will inevitably sell their franchise to the county at a large profit at the county's and the community's expense.

3. Although MSM Utilities maintain that they will be able to utilize the railroads or county easement to run their water lines, they actually will try to seize varies property rights for those lines through eminent domain. Giving MSM access to eminent domain to seize properties to expand their utilities would cause undo hardship on those impacted residence.

DMP _____

4. The compliance history of MSM with the regulatory agencies comes into question. What is their track record with both the EPA and Florida statues.

COM _____

CTR _____

The City of Punta Gorda and the County have a utility plan that will meet our needs and protect the environment when it is time to hook up or be part of the water system from Punta Gorda. To give this private company a utility expansion permit would only add cost to this utility plan and hinder the implementation of that plan.

ECR _____

GCL _____

OPC _____

We are formally requesting that we be copied on all correspondence and e-mails as it relates to this project so that we would adequately be able to file a timely request of an administrative hearing.

RCA _____

SCR _____

SGA _____

SEC 1

OTH _____

Respectfully,



Alan & Marilyn Baruch

e-mail: yuri2003@earthlink.net

DOCUMENT NUMBER-DATE
1094 | NOV 14 05

LEGAL NOTICE

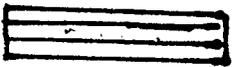
Notice is hereby given on October 18, 2005, pursuant to Section 367.045, Florida Statutes, of the application of MSM Utilitites, LLC to amend its Water Certificate No.611-W and Wastewater Certificate No. 527-S to add territory in Charlotte County, Florida as described in Exhibit A attached hereto and made a part hereof.

Any objection to the said application must be made in writing and filed with the Director, Division of the Commission Clerk & Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

MSM Utilities, LLC
9696 Bonita Beach Road
Suite 210
Bonita Springs, FL 34135

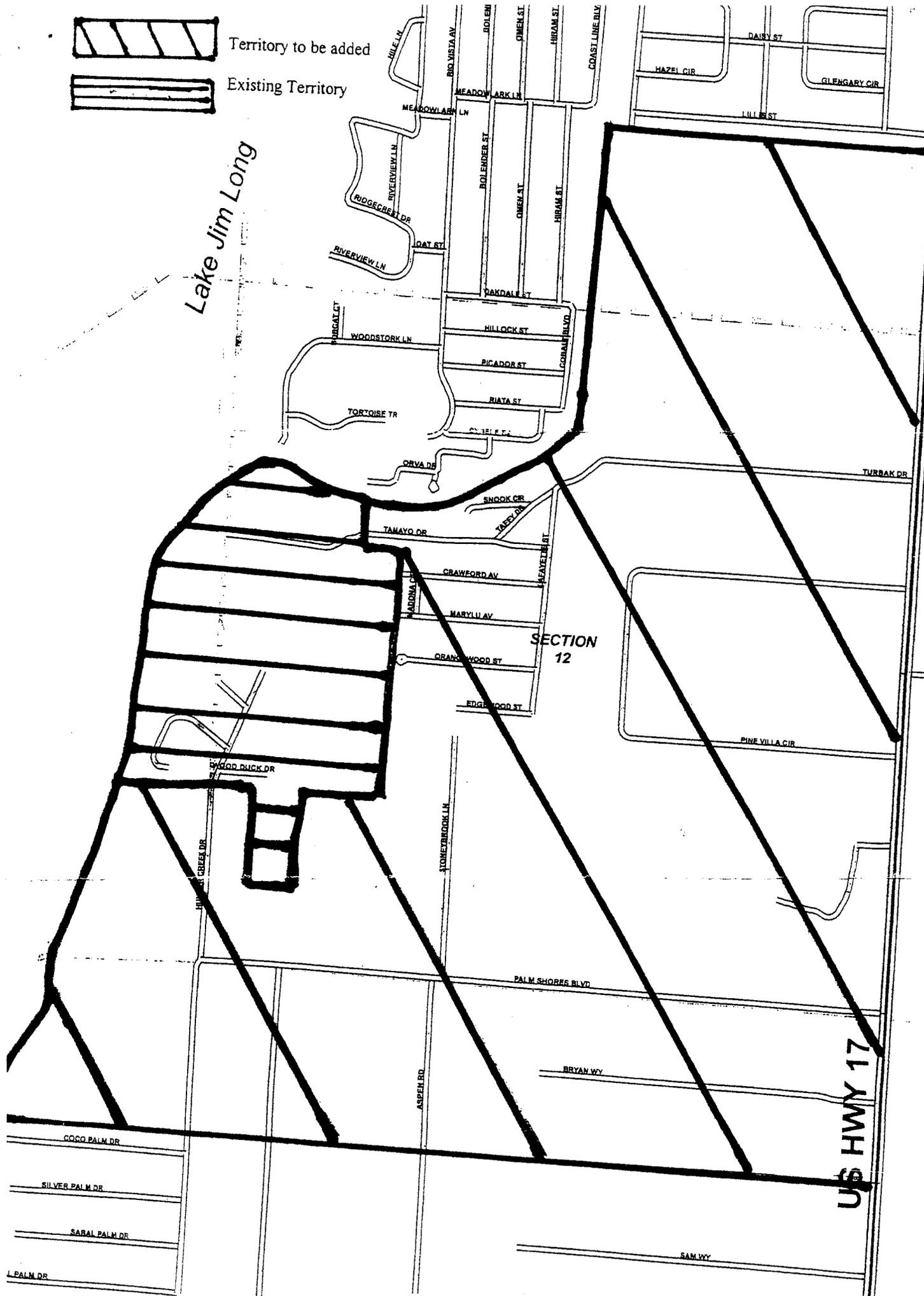


Territory to be added



Existing Territory

Lake Jim Long



SECTION 12

US HWY 17

COCO PALM DR
SILVER PALM DR
SABAL PALM DR
L PALM DR

EXHIBIT A

Territory to be added:

THE SOUTH ¼ OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING SOUTHERLY OF BRANCH CREEK (TIDAL)

TOGETHER WITH

THE NORTH ¼ OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF THE SEABOARD COASTLINE RAILROAD

TOGETHER WITH

THE SOUTH ¼ SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING WEST OF THE SEABOARD COASTLINE RAILROAD AND SOUTH OF BRANCH CREEK (TIDAL)

LESS AND EXCEPT

THE EXISTING SERVICE TERRITORY FOR THE OAKS AT RIVER EDGE (FORMERLY: HUNTERS CREEK VILLAGE) BEING DESCRIBED AS FOLLOWS:

TOWNSHIP 40 SOUTH, RANGE 23 EAST,
SECTION 12

THE NE ¼ OF THE NW ¼ OF THE SW ¼ OF THE SW ¼ OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

AND

THE SE ¼ OF THE NW ¼ OF THE SW ¼ OF THE SW ¼ OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA

AND

THE NW ¼ OF THE SW ¼ OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA

AND

THAT PORTION OF GOVERNMENT LOT 2, SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING SOUTH OF LEE BRANCH CREEK

AND

THE WESTERLY 30 FEET OF THE SW ¼ OF THE SW ¼ OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

TOWNSHIP 40 SOUTH, RANGE 23 EAST
SECTION 11

ALL OF GOVERNMENT LOT 5, LYING SOUTH OF LEE BRANCH CREEK IN SECTION 11, TOWNSHIP 40 SOUTH, RANGE 23, EAST CHARLOTTE COUNTY, FLORIDA

AND

THE NE ¼ OF THE SE ¼ OF SECTION 11, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK

TOGETHER WITH

THE SOUTH ¼ OF SECTION 1, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF SEABOARD COASTLINE RAILROAD

THE SOUTH 1/4 OF SECTION 11, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK

THE NORTH 1/4 OF SECTION 14, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK

THE NORTH ¼ OF SECTION 13, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

the Com

Division

Alan & Marilyn Baruch
29470 Pine Villa Circle
Punta Gorda FL 33982

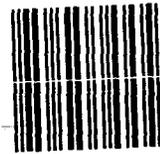
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Director, Division of the Commission Clerk
& Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

**RETURN RECEIPT
REQUESTED**

32399+0850 0000

