

LAW OFFICES

ORIGINAL

ROSE, SUNDSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

FREDERICK L. ASCHAUER, JR.
CHRIS H. BENTLEY, P.A.
ROBERT C. BRANNAN
DAVID F. CHESTER
F. MARSHALL DETERDING
JOHN R. JENKINS, P.A.
STEVEN T. MINDLIN, P.A.
CHASITY H. O'STEEN
DAREN L. SHIPPY
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON

ROBERT M. C. ROSE, (1924-2006)

(850) 877-6555
FAX (850) 656-4029
www.rsbatorneys.com

CENTRAL FLORIDA OFFICE
SANLANDO CENTER
2180 WEST STATE ROAD 434
SUITE 2118
LONGWOOD, FLORIDA 32779
(407) 830-6331
FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.
VALERIE L. LORD
BRIAN J. STREET

December 28, 2006

Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED-FPSC
07 JAN -3 AM 9:22
COMMISSION
CLERK


Re: Notice of Application for Transfer of Majority Organizational Control of
MSM Utilities, LLC to Sun River Utilities, Inc.

Dear Sir/Madam:

Enclosed please find a Notice of Application for Transfer of Majority
Organizational Control of MSM Utilities, LLC to Sun River Utilities, Inc.

Should you have any questions, or need additional information, please do
not hesitate to contact me.

Sincerely,


Robert C. Brannan
For the Firm

CMP _____
COM _____
CTR _____
ECR _____ RCB:jmt
GCL _____ Enclosure
OPC _____
RCA _____
SCR _____
SGA _____
SEC 1
OTH _____

DOCUMENT NUMBER-DATE

00040 JAN-3 6

FPSC COMMISSION CLERK

**NOTICE OF APPLICATION FOR TRANSFER OF MAJORITY
ORGANIZATIONAL CONTROL OF MSM UTILITIES, LLC TO SUN RIVER
UTILITIES, INC.**

Notice is hereby given on the 28th day of December, 2006, pursuant to Section 367.071, Florida Statutes, of the Application for Authority to Transfer Majority Organizational Control of MSM Utilities, LLC, and Certificates 611-W and 527-S in Charlotte County to Sun River Utilities, Inc. The following described territory located in territory in Charlotte County:

Township 40 South.
Range 23 East Section 12

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 40 South, Range 23 East. And

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 40 South, Range 23 East. And

The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 40 South, Range 23 East. And

That portion of Government Lot 2, Section 12, Township 40 South, Range 23 East, lying South of Lee Branch Creek.

And

The Westerly 30 feet of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 40 South, Range 23 East,

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. And

The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, Township 40 South, Range 23 East, lying East of Hunters Creek.

And

The Oaks at Rivers Edge (formerly Hunter Creek Village)

THE NORTH $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF THE SEABOARD COASTLINE RAILROAD AND NORTH OF TURBAK ROAD
TOGETHER WITH:

THE SOUTH $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

TOGETHER WITH:

THE SOUTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ AND THE NORTH $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

TOGETHER WITH

A PORTION OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE WEST ALONG THE SOUTHLINE OF SAID SECTION 12, A DISTANCE OF 2577.55 FEET; THENCE NORTH, A DISTANCE OF 385.34 FEET; THENCE WEST, A DISTANCE OF 531.75 FEET; THENCE NORTH, A DISTANCE OF 897.20 FEET; THENCE WEST, A DISTANCE OF 511.21 FEET; THENCE NORTH, A DISTANCE OF 438.40 FEET; THENCE EAST, A DISTANCE OF 511.21 FEET; THENCE NORTH, A DISTANCE 178.65 FEET; THENCE EAST, A DISTANCE OF 606.14 FEET; THENCE SOUTH, A DISTANCE OF 600 FEET MORE OR LESS; THENCE EAST, A DISTANCE OF 2860 FEET MORE OR LESS TO THE EAST LINE OF SAID SECTION 12. THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 12 TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE SOUTH $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF SEABOARD COASTLINE RAILROAD
THE SOUTH $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK.
THE NORTH $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK
AND:

THE NORTHEAST $\frac{1}{4}$, OF THE NORTHEAST $\frac{1}{4}$, OF THE NORTHEAST $\frac{1}{4}$, OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. LESS AND EXCEPT THE RIGHT-OF-WAY FOR A PUBLIC HIGHWAY ALONG THE EAST SIDE OF SAID LAND, AND LESS AND EXCEPT THE RIGHT-OF-WAY FOR A PUBLIC ROAD ALONG THE NORTH LINE OF SAID LAND, AND LESS AND EXCEPT THE FOLLOWING: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 13; THENCE ALONG THE NORTH BOUNDARY OF SAID SECTION 13, NORTH $88^{\circ}26'45''$ WEST, 45.15 FEET, TO THE WESTERLY MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD 35 (US 17) FOR A POINT OF BEGINNING; THENCE ALONG SAID WESTERLY MAINTAINED RIGHT OF WAY LINE, SOUTH $00^{\circ}23'35''$ WEST, 330.28 FEET; THENCE NORTH $88^{\circ}24'16''$ WEST, 8.00 FEET; THENCE NORTH $00^{\circ}23'35''$ EAST, 330.28 FEET, TO SAID NORTH BOUNDARY OF SECTION 13; THENCE ALONG SAID NORTH BOUNDARY, SOUTH $88^{\circ}26'45''$ EAST, 8.00 FEET, TO THE POINT OF BEGINNING.

And,

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 $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK

TOGETHER WITH

THE SOUTH $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 40 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA, LYING EAST OF SEABOARD COASTLINE
RAILROAD

THE SOUTH $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 40 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK

THE NORTH $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 40 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK
THE NORTH $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 40 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA

THE NORTH $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA, LYING EAST OF THE SEABOARD
COASTLINE RAILROAD AND NORTH OF TURBAK ROAD

TOGETHER WITH:

A PORTION OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA, BEING MORE SPECIFICALLY
DESCRIBED AS FOLLOWS :

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE WEST
ALONG THE SOUTHLINE OF SAID SECTION 12, A DISTANCE OF 2577.55 FEET;
THENCE NORTH, A DISTANCE OF 385.34 FEET; THENCE WEST, A DISTANCE OF
531.75 FEET; THENCE NORTH, A DISTANCE OF 897.20 FEET; THENCE WEST, A
DISTANCE OF 511.21 FEET; THENCE NORTH, A DISTANCE OF 438.40 FEET;
THENCE EAST A DISTANCE OF 511.21 FEET; THENCE NORTH, A DISTANCE
178.65 FEET; THENCE EAST, A DISTANCE OF 606.14 FEET; THENCE SOUTH, A
DISTANCE OF 600 FEET MORE OR LESS; THENCE EAST, A DISTANCE OF 2860
FEET MORE OR LESS TO THE EAST LINE OF SAID SECTION 12, THENCE SOUTH
ALONG THE EAST LINE OF SAID SECTION 12 TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE SOUTH $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 40 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA, LYING EAST OF SEABOARD COASTLINE
RAILROAD

THE SOUTH $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 40 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK.

THE NORTH $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 40 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK

And,

The South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 12,
Township 40 South, Range 23 East, Charlotte County, Florida.

Together with:

The South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 12, Township 40 South, Range 23 East, Charlotte County, Florida.

And:

The Northeast $\frac{1}{4}$, of the Northeast $\frac{1}{4}$, of the Northeast $\frac{1}{4}$, of the Northeast $\frac{1}{4}$, of Section 13, Township 40 South, Range 23 East, Charlotte County, Florida. Less and except the Right-of-Way for a public highway along the East side of said land, and Less and except the Right-of-Way for a public road along the North line of said land, and Less and except the following: Commence at the Northeast corner of said Section 13; thence along the North boundary of said Section 13, North $88^{\circ}26'45''$ West, 45.15 feet, to the Westerly maintained Right-of-Way line of State Road 35 (US 17) for a point of beginning; thence along said Westerly maintained Right-of-Way line, South $00^{\circ}23'35''$ West, 330.28 feet; thence North $88^{\circ}24'16''$ West, 8.00 Feet; thence North $00^{\circ}23'35''$ East, 330.28 feet, to said North boundary of Section 13; thence along said North boundary, South $88^{\circ}26'45''$ East, 8.00 feet, to the point of beginning.

Any objections to the Application must be made in writing and filed with the Director, Division of Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with a copy to Robert C. Brannan, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, 32301 within 30 days from the date of this Notice. The objection must state the grounds for the objection with particularity.

Sun River Utilities, Inc.
5660 Bayshore Road, Suite 36
North Fort Myers, Florida 33917
239-543-1005