

Katie Ely

090056

From: Ruth McHargue
Sent: Friday, April 24, 2009 3:07 PM
To: Katie Ely
Cc: Dorothy Menasco; Ann Cole; Cheryl Bulecza-Banks
Subject: FW: To Clk Docket 090056
Attachments: 00952-09.pdf

From: Consumer Contact
Sent: Friday, April 24, 2009 9:21 AM
To: Ruth McHargue
Subject: To Clk Docket 090056

FPSC, CLK - CORRESPONDENCE
Administrative Parties ~~X~~ Consumer
 DOCUMENT NO. 01467-09
 DISTRIBUTION: EUR GCC

From: Barry Jones [mailto:barry.jones@tylin.com]
Sent: Thursday, April 23, 2009 5:00 PM
To: Consumer Contact; Filings@psc.state.fl.us
Cc: jloesq@gmail.com
Subject: Docket 090056

To Whom It May Concern:

While reviewing the documents filed for this case, I noticed that the public water supplier for the residents covered by this document was not notified of the request for transfer.

Bonita Springs Utilities is not included on the list of public utilities that was provided by Mr. Redemann in the attached document. This is significant in that BSU has wastewater facilities in the area of this package plant and has sufficient capacity in their new wastewater plant to accommodate the flows that currently go to the old package plant located on-site in the residential neighborhood.

It is my understanding that the owner of the utility company did not approach BSU about taking over the plant prior to agreeing to sale to Aqua Utilities even though BSU had previously expressed an interest in incorporating the communities into their service area. This is just another in along line of reasons as to why this transfer should be denied.

Barry E. Jones, PE
 22675 Forestview Drive
 Estero, FL 33928

4/28/2009

RECEIVED-FPSC

MICHAEL B. TWOMEY

ATTORNEY AT LAW
POST OFFICE BOX 5256
TALLAHASSEE, FLORIDA 32314-5256
Tel. (850) 421-9530 Fax. (850) 421-9530
e-mail: miketwomey@taistar.com

09 FEB -6 PM 12:16

COMMISSION
CLERK

February 6, 2009

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
1540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 090056-SU, Application for approval of transfer of wastewater system of Fountain Lake Sewer Corporation, holder of Certificate 442-S, to Aqua Utilities Florida, Inc., holder of Certificate 268-S, and for amendment of Certificate 258-S, in Lee County, by Aqua Utilities Florida, Inc.

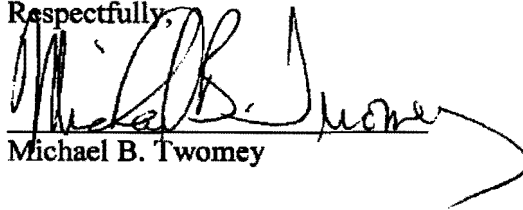
Dear Ms. Cole:

Enclosed for filing in the above-referenced docket are the originals of Aqua Utilities Florida, Inc.'s Exhibit L, Affidavit of Mailing of notice to utilities, governmental bodies, agencies and municipalities, as well as the list of those noticed, and Exhibit M, Affidavit of Mailing of notice to each customer of the Fountain Lakes Sewer Corp. wastewater system.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Respectfully,



Michael B. Twomey

cc: William T. Rendell
Carl Smith

DOCUMENT NUMBER-DATE

00952 FEB-6 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Aqua Utilities Florida, Inc.'s Application)
for Approval of Transfer of Fountain Lakes Sewer)
Corp. Wastewater System and Amendment of)
Certificate in Lee County, Florida.)


Docket No. 090056-SU
Filed: Feb 6, 2009

AFFIDAVIT OF MAILING-Exhibit L

STATE OF FLORIDA
COUNTY OF LAKE

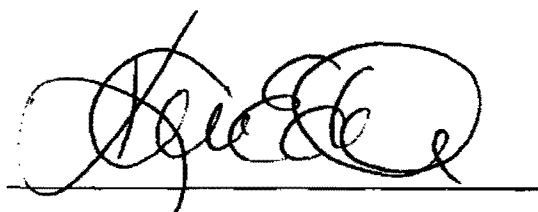
Before me, the undersigned authority, authorized to administer oaths and take Acknowledgements, personally, appeared CARL SMITH, who after being duly sworn on oath, did depose on oath and say that he is the Director of Corporate Development for Aqua Utilities Florida, Inc. and that on 1/29/, 2009, he did send by regular U.S. Mail, a copy of the notice attached hereto to each of the utilities, governmental bodies, agencies, and municipalities, in according with the list provided by the Florida Public Service Commission, which is attached hereto.

FURTHER AFFIANT SAYETH NAUGHT:


CARL SMITH

Sworn to and subscribed before me this 29th day of Jan, 2009, by Carl Smith, who is personally known to me.

STATE OF FLORIDA
COUNTY OF LAKE



Print Name
NOTARY PUBLIC
My Commission Expires



NOTICE OF TRANSFER OF WATER AND WASTEWATER SYSTEMS OF FOUNTAIN LAKES SEWER CORP. TO AQUA UTILITIES FLORIDA, INC.

Notice is hereby given on the 29th day of January, 2009 pursuant to Section 367.071, Florida Statutes of the Application for Approval of Transfer of the Wastewater System of Fountain Lakes Sewer Corp. located in Lee County Florida to Aqua Utilities Florida, Inc., (Aqua) and Amendment of Aqua's Wastewater Certificate No. 268-S. Aqua does not propose to change rates pursuant to this Application. The Fountain Lakes Sewer Corp. wastewater system provides service to the following described territory in Lee County, Florida:

LEGAL DESCRIPTION:

TOWNSHIP 47 SOUTH, RANGE 25 EAST IN LEE COUNTY, FLORIDA

SECTIONS 4 AND 9

ALL THAT PART OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LYING MORE THAN 500 FEET WEST OF THE RIGHT-OF-WAY OF STATE ROAD 45, AND ALL THAT PART OF THE NORTH ½ OF THE NORTH ½ OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LYING MORE THAN 500 FEET WEST OF THE RIGHT-OF-WAY OF STATE ROAD 45, CONSISTING OF 372.02 ACRES MORE OR LESS.

TOGETHER WITH THAT CERTAIN PARCEL OF LAND 400 FEET IN WIDTH AND 500 FEET IN DEPTH SITUATED IN SAID SECTION 4, LYING BETWEEN THE FOREGOING TRACT AND STATE ROAD 45 WHICH PARCEL IS DESCRIBED AS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 4 AND THE WEST LINE OF STATE ROAD 45; THENCE NORTH 06°39'59" WEST ALONG THE SAID WEST LINE OF STATE ROAD 45 A DISTANCE OF 1867.59 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 83°20'01" WEST A DISTANCE OF 500 FEET, THENCE NORTH 06°39'59" WEST A DISTANCE OF 400 FEET, THENCE NORTH 83°20'01" EAST A DISTANCE OF 500 FEET TO THE WEST LINE OF STATE ROAD 45, THENCE SOUTH 06°39'59" EAST ALONG SAID WEST LINE OF THE TAMiami TAIL A DISTANCE OF 400 FEET TO THE POINT OF BEGINNING.

Any objections to the Application must be made in writing and filed with the Director, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than 30 days after the last date this notice was mailed or published, whichever is later, with a copy provided to Michael B. Twomey, Esq., Post Office Box 5256 Tallahassee, Florida 32314-5256. The objection must state the grounds for the objection with particularity.

**Aqua Utilities Florida, Inc.
1100 Thomas Ave.
Leesburg, FL 34748**

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

January 23, 2009

Mr. Carl Smith
Director, Corporate Development
Aqua Utilities Florida, Inc.
1100 Thomas Ave.
Leesburg, FL 34748

Re: Noticing List for Lee County for the Application for Transfer of the Wastewater Certificate No. 442-S in Lee County to Aqua Utilities Florida, Inc.

Dear Mr. Smith:

Enclosed is the list of water and wastewater utilities and governmental/regulatory agencies in the above mentioned county. Please refer to Commission Rule 25-30.030, Florida Administrative Code, for the noticing requirements. Noticing must be done in the proper format, consistent with the rule. If your notice is not in the proper format, you will be required to renotice and your application will be delayed. Instructions for preparation of a territory description are available upon request.

Please note that if your county list includes two Department of Environmental Regulation offices or two Water Management District offices, you must identify which is the proper district office for your notice.

You will note that the county list is dated and is valid for sixty days from that date. If you have not performed the noticing by this date, you must request an updated list.

If you have any questions, please contact the undersigned at (850) 413-6999.

Sincerely,

A handwritten signature in cursive script that reads "Richard Redemann".

Richard Redemann, PE
Bureau of Certification, Economics & Tariffs

RECEIVED
Enclosure

JAN 27 2009

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY
(VALID FOR 60 DAYS)
01/23/2009 - 03/23/2009**

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>LEE COUNTY</u>	
AQUA UTILITIES FLORIDA, INC. (SU821) 3116 CAPITAL CIRCLE N.E., SUITE 5 TALLAHASSEE, FL 32308-7791	TROY RENDELL (850) 575-8500
BAYSHORE UTILITIES, INC. (WU013) 2259 CLUBHOUSE ROAD NORTH FT. MYERS, FL 33917-2523	WAYNE CARSON WAMPLER (239) 482-4024
BE UTILITY SYSTEMS, L.L.C. D/B/A BUCCANEER WATER SERVICE (WU730) % MANUFACTURED HOME COMMUNITIES, INC. 2 NORTH RIVERSIDE PLAZA, SUITE 800 CHICAGO, IL 60606-2682	HELMA REYNOLDS (239) 995-3337
ENVIRONMENTAL PROTECTION SYSTEMS OF PINE ISLAND, INC. (SU287) 3039 YORK ROAD ST. JAMES CITY, FL 33956-2303	KEVIN J. CHERRY (239) 283-1144
FOREST UTILITIES, INC. (SU293) 6000 FOREST BLVD. FT. MYERS, FL 33908-4318	DAVID SWOR (239) 481-0111
FOUNTAIN LAKES SEWER CORP. (SU572) 523 SOUTH EIGHTH STREET MINNEAPOLIS, MN 55404-1078	MARY JO KELLY (612) 332-7281
HUNTER'S RIDGE UTILITY CO. OF LEE COUNTY (SU674) 28400 HUNTERS RIDGE BLVD. BONITA SPRINGS, FL 34135-3511	DON HUPRICH (239) 992-6061
MOBILE MANOR WATER COMPANY, INC. (WU167) 150 LANTERN LANE NORTH FORT MYERS, FL 33917-6515	BONITA VANDALL (239) 277-0718
MSKP TOWN AND COUNTRY UTILITY, LLC D/B/A TOWN & COUNTRY UT (SU904) 17837 MURDOCK CIRCLE PORT CHARLOTTE, FL 33948-4000	CHARLES DESANTI (941) 235-6900
MSKP TOWN AND COUNTRY UTILITY, LLC D/B/A TOWN & COUNTRY UT (WU811) 17837 MURDOCK CIRCLE PORT CHARLOTTE, FL 33948-4000	CHARLES DESANTI (941) 235-6900
NI FLORIDA, LLC (WU920) 10913 METRONOME HOUSTON, UT 77043-2201	KENNETH A. HOFFMAN (850) 681-6788

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY
(VALID FOR 60 DAYS)
01/23/2009 - 03/23/2009**

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>LEE COUNTY</u>	
NORTH FORT MYERS UTILITY, INC. (SU317) P. O. BOX 2547 FT. MYERS, FL 33902-2547	JOEL SCHENKMAN (239) 543-1005
NORTH FORT MYERS UTILITY, INC. (WU834) P. O. BOX 2547 FT. MYERS, FL 33902-2547	JOEL SCHENKMAN (239) 543-1005
PINE ISLAND COVE HOMEOWNERS ASSOCIATION, INC. (SU724) 7290 LADYFISH DRIVE ST. JAMES CITY, FL 33956-2723	PAUL WILLIAMS (239) 283-3100
USEPPA ISLAND UTILITY, INC. (WS249) P. O. BOX 640 BOKEELIA, FL 33922-0640	TIM FITZSIMMONS (239) 283-1061
UTILITIES, INC. OF EAGLE RIDGE (SU749) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS, FL 32714-4027	PATRICK C. FLYNN (407) 869-1919

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY
(VALID FOR 60 DAYS)
01/23/2009 - 03/23/2009**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, LEE COUNTY
P. O. BOX 398
FT. MYERS, FL 33902-0398

CLERK OF THE CIRCUIT COURT, LEE COUNTY
P. O. BOX 2469
FORT MYERS, FL 33902-2469

DEP SOUTH DISTRICT
2295 VICTORIA AVE., SUITE 364
FORT MYERS, FL 33901

MAYOR, CITY OF CAPE CORAL
P. O. BOX 150027
CAPE CORAL, FL 33915-0027

MAYOR, CITY OF FT. MYERS
P. O. BOX 2217
FORT MYERS, FL 33902-2217

MAYOR, CITY OF SANIBEL
800 DUNLOP ROAD
SANIBEL, FL 33957-4096

S.W. FLORIDA REGIONAL PLANNING COUNCIL
1926 VICTORIA AVENUE
FT. MYERS, FL 33901

SO. FLORIDA WATER MANAGEMENT DISTRICT
P.O. BOX 24680
WEST PALM BEACH, FL 33416-4680

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY
(VALID FOR 60 DAYS)
01/23/2009 - 03/23/2009**

UTILITY NAME

MANAGER

STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL
C/O THE HOUSE OF REPRESENTATIVES
THE CAPITOL
TALLAHASSEE, FL 32399-1300

OFFICE OF COMMISSION CLERK
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Aqua Utilities Florida, Inc.'s Application)
for Approval of Transfer of Fountain Lakes Sewer)
Corp. Wastewater System and Amendment of)
Certificate in Lee County, Florida.)

Docket No. 090056-SU

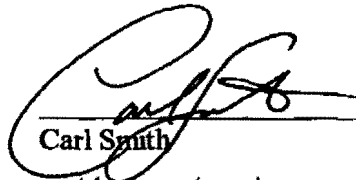
Filed: Feb 6, 2009

AFFIDAVIT OF MAILING- Exhibit -M

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared CARL SMITH, , who, after being duly sworn on oath, did depose on oath and say that he is the Director of Corporate Development for Aqua Utilities Florida, Inc., and that on 1/29/, 2009, he/she did send by regular U. S. Mail, a copy of the notice attached hereto to each customer of the Fountain Lakes Sewer Corp. wastewater system.

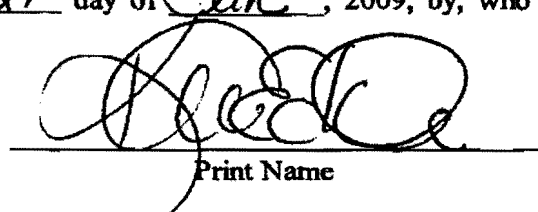
FURTHER AFFIANT SAYETH NOT.



Carl Smith

Sworn to and subscribed before me this 9th day of Jan, 2009, by, who is personally known to me.

STATE OF FLORIDA
COUNTY OF LAKE



Print Name

NOTARY PUBLIC
My Commission Expires:



DOCUMENT NUMBER-CASE

00952 FEB-6 09

FPSC-COMMISSION CLERK

NOTICE OF TRANSFER OF WATER AND WASTEWATER SYSTEMS OF FOUNTAIN LAKES SEWER CORP. TO AQUA UTILITIES FLORIDA, INC.

Notice is hereby given on the 29th day of January, 2009 pursuant to Section 367.071, Florida Statutes of the Application for Approval of Transfer of the Wastewater System of Fountain Lakes Sewer Corp. located in Lee County Florida to Aqua Utilities Florida, Inc., (Aqua) and Amendment of Aqua's Wastewater Certificate No. 268-S. Aqua does not propose to change rates pursuant to this Application. The Fountain Lakes Sewer Corp. wastewater system provides service to the following described territory in Lee County, Florida:

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SECTIONS 4 AND 9

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Aqua Utilities Florida, Inc.
1100 Thomas Ave.
Leesburg, FL 34748

Katie Ely

090056

From: Ruth McHargue
Sent: Friday, April 24, 2009 3:04 PM
To: Katie Ely
Cc: Dorothy Menasco; Ann Cole; Cheryl Bulecza-Banks
Subject: FW: 2399927527, 1 page(s)

Attachments: 2399927527, 1 page(s); FAX.TIF

Docket file 090056

From: Consumer Contact
Sent: Friday, April 24, 2009 9:08 AM
To: Ruth McHargue
Subject: FW: 2399927527, 1 page(s)

FPSC, CLK - CORRESPONDENCE

Administrative Parties X Consumer

DOCUMENT NO. 01447-09

DISTRIBUTION: ECR GCL



2399927527, 1
page(s)

From: NET SatisFAXtion
Sent: None
To: Consumer Contact
Subject: 2399927527, 1 page(s)

You have received a new fax. This fax was received by **NET SatisFAXtion**. The fax is attached to the message. Open the attachment to view your fax.

Received Fax Details

Received On: 4/23/2009 8:52 PM
Number of Pages: 1
From (CSID): 2399927527
From (ANI):
Sent to DID:

Duration of Fax: 0:00:50
Transfer Speed: 9600

Received Status: Success
Number of Errors: 0
Port Received On: RockForceOCTO+ Port 6



FAX.TIF (15 KB)

ANNETTE & BERNARD HIGGINS
3871 Spring Garden Lane
Estero, FL 33928-2386
239-992-7527

April 23, 2009

FAX to 800-511-0809

Director-Office of Commission Clerk
The Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-8850

Re: Docket No. 090056-SU Application for approval of transfer of wastewater system of Fountain Lake Sewer Corporation, holder of Certificate 442-S, to Aqua Utilities Florida, Inc., holder of Certificate 268-S, and for amendment of Certificate 258-S, in Lee County, by Aqua Utilities, Florida, Inc.

Dear Commissioners,

We are writing to inform you to that we are in full support of the formal objection that is being filed by:

James O'Leary, Esq. (who resides at)
22601 Island Lakes Drive
Estero, FL 33928 (which is part of Fountain Lakes.)

He is and will continue to speak on our behalf and other members of the community(s) who wish to see the sewer transfer stopped.

Very truly yours,

Bernard J. Higgins

Annette H. Higgins

Cc: Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, Fl.
32314-5256

(Hard Copy to Follow)

Dorothy Menasco

090054

From: Filings@psc.state.fl.us
Sent: Friday, April 24, 2009 10:50 AM
To: 'Barry Jones'
Cc: Ruth Nettles
Subject: RE: Docket 090056

FPSC, CLK - CORRESPONDENCE
 ___Administrative___ Parties Consumer
 DOCUMENT NO. 090056-09
 DISTRIBUTION: _____

Mr. Jones:

We are in receipt of your filing below. Per the Commission's e-filing requirements, the e-mail message transmitting the document(s) to be filed is not itself considered a filing. Therefore, documents contained within the text of an e-mail transmission will not be considered filed.

Please note that any cover letter or certificate of service must be included in the electronic document to which it relates, and shall not be submitted as a separate attachment to the e-mail.

Filings submitted by electronic transmission must be attached to an e-mail sent to filings@psc.state.fl.us. Documents sent to any other Commission e-mail address will not be considered filed.

The link to the Commission's e-filing requirements is included for your convenience:

<http://www.psc.state.fl.us/dockets/e-filings/>

Your filing will need to be revised and resubmitted in order to be officially accepted for filing.

Please feel free to call our office if you have any questions.

*Dorothy Menasco
 Chief Deputy Commission Clerk
 Florida Public Service Commission
 Office of Commission Clerk
 850-413-6770*

From: Barry Jones [mailto:barry.jones@tylin.com]
Sent: Thursday, April 23, 2009 5:00 PM
To: Consumer Contact; Filings@psc.state.fl.us
Cc: jloesq@gmail.com
Subject: Docket 090056

To Whom It May Concern:

While reviewing the documents filed for this case, I noticed that the public water supplier for the residents covered by this document was not notified of the request for transfer.

Bonita Springs Utilities is not included on the list of public utilities that was provided by Mr. Redemann in the attached document. This is significant in that BSU has wastewater facilities in the area of this package plant and has sufficient capacity in their new wastewater plant to accommodate the flows that currently go to the old package plant located on-site in the residential neighborhood.

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4/24/2009

area. This is just another in along line of reasons as to why this transfer should be denied.

Barry E. Jones, PE
22675 Forestview Drive
Estero, FL 33928

Ruth Nettles

From: Filings@psc.state.fl.us
Sent: Friday, April 24, 2009 10:46 AM
To: 'barry.jones@tylin.com'
Cc: Dorothy Menasco; 'Ruth Nettles'
Subject: FW: Docket 090056
Attachments: Fountain Lakes Warning Letter 3-19-09.pdf

Mr. Jones:

We are in receipt of your filing below. Per the Commission's e-filing requirements, the e-mail message transmitting the document(s) to be filed is not itself considered a filing. Therefore, documents contained within the text of an e-mail transmission will not be considered filed.

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The link to the Commission's e-filing requirements is included for your convenience:

<http://www.psc.state.fl.us/dockets/e-filings/>

Your filing will need to be revised and resubmitted in order to be officially accepted for filing.

Please feel free to call our office if you have any questions.

Ruth Nettles
Office of Commission Clerk
850-413-6770

From: Barry Jones [mailto:barry.jones@tylin.com]
Sent: Thursday, April 23, 2009 4:45 PM
To: Filings@psc.state.fl.us
Subject: Docket 090056

To Whom It May Concern:

I would like to file the attached document for reference by the board.

It is the result of an FDEP inspection of the plant involved in the case and is representative of the way that Aqua has treated the system since it took over operations.

Thank You,

Barry E. Jones
22675 Forestview Drive
Estero, FL 33928

090056

RECEIVED-FPSC

09 APR -6 AM 9: 26

COMMISSION
CLERK

09 APR -6 AM 7: 30

Diane Schultz
22120 Cinnamon Lane unit 201
Estero, Florida 33928

964 Lombard Avenue
St. Paul, Minnesota 55105
dianeschultz@comcast.net
651-224-1733

March 31, 2009

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
1540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. **090056-SU**, Application for approval of transfer of wastewater system of Fountain Lake Sewer Corporation, holder of Certificate 442-S, to Aqua Utilities Florida, Inc., holder of Certificate 2688, and for amendment of Certificate 258-S, in Lee County, by Aqua Utilities Florida, Inc.

We are homeowners in the Fountain Lakes community and agree with recommendations expressed by other residents opposed to the transfer of our wastewater facility to Aqua Utilities Florida, Inc.

We believe there are safer and more efficient methods of handling our sewage and irrigation that would be less harmful to the environment and make better utilization of the excess capacity of Bonita Spring Utility (BSU) facilities.

1. The existing plant at Fountain Lakes is over 20 years old and is at or near the end of its useful life and should be retired.
2. The existing plant sits on the edge of a wetland that flows into the Estero River and then into Estero Bay. Estero Bay is recognized by South Florida Water Management District as an impaired water body that receives excess nutrients. Removing the sewer plant would result in a significant reduction of nutrient loading.
3. The existing plant does not produce re-useable material while the BSU plant does. Transferring to BSU would conserve this resource. Aqua Utilities indicates in their filing that they may convert the plant to reuse. This would require significant investment that they would likely want to recover by raising rates.
4. The ingress/egress of sludge-hauling trucks through the Fountain Lakes neighborhood would be eliminated if the two communities (Fountain Lakes and Marsh Landing) hooked up to BSU.

FPSC, CLK - CORRESPONDENCE
Administrative Parties ~~Consumer~~
DOCUMENT NO. 01467-p9
DISTRIBUTION: _____


5. The collection system, especially the older parts constructed of vitrified clay pipe, has serious infiltration issues and structural problems as evidenced by the repeated back up problems.
6. The plant has had multiple problems over the years with the DEP for too many connections and flows beyond permitted capacity. None of this is reflected in the application for transfer. The documentation of these problems may be useful to the PSC in their deliberations.

We respectfully request that the PSC deny the application of Aqua Utilities and allow the residents of Fountain Lakes and Marsh Landing to pursue other alternatives, especially Bonita Spring Utility.

We have no confidence in Aqua's ability to perform for our needs. We have experienced months of problems with Aqua's take over of the pumps . Lack of proper and timely maintenance has resulted in spotty or no water for irrigation.

Sincerely,

Diane D. and Wesley C. Schultz



Wesley C. Schultz

090056

RECEIVED-FPSC

09 MAR 30 AM 9:49

COMMISSION
CLERK

Gail A. Hermosilla
22100 Cinnamon Lane unit 105
Estero, Florida 33928
gailhermosilla@yahoo.com
914.456.9396

March 26, 2009

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
1540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 01447-09
DISTRIBUTION: ECP, GCL

Re: Docket No. **090056-SU**, Application for approval of transfer of wastewater system of Fountain Lake Sewer Corporation, holder of Certificate 442-S, to Aqua Utilities Florida, Inc., holder of Certificate 2688, and for amendment of Certificate 258-S, in Lee County, by Aqua Utilities Florida, Inc.

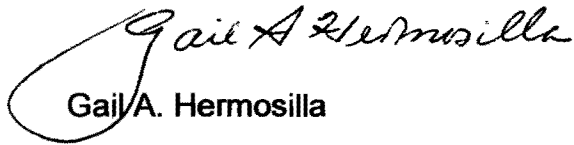
I am a homeowner in the Fountain Lakes community and am opposed to the transfer of our wastewater facility to Aqua Utilities Florida, Inc. I believe there are safer and more efficient methods of handling our sewage and irrigation that would be less harmful to the environment and make better utilization of the excess capacity of Bonita Spring Utility (BSU) facilities.

1. The existing plant at Fountain Lakes is over 20 years old and is at or near the end of its useful life and should be retired.
2. The existing plant sits on the edge of a wetland that flows into the Estero River and then into Estero Bay. Estero Bay is recognized by South Florida Water Management District as an impaired water body that receives excess nutrients. Removing the sewer plant would result in a significant reduction of nutrient loading.
3. The existing plant does not produce re-useable material while the BSU plant does. Transferring to BSU would conserve this resource. Aqua Utilities indicates in their filing that they may convert the plant to reuse. This would require significant investment that they would likely want to recover by raising rates.
4. The ingress/egress of sludge-hauling trucks through the Fountain Lakes neighborhood would be eliminated if the two communities (Fountain Lakes and Marsh Landing) hooked up to BSU.
5. The collection system, especially the older parts constructed of vitrified clay pipe, has serious infiltration issues and structural problems as evidenced by the repeated back up problems.

6. The plant has had multiple problems over the years with the DEP for too many connections and flows beyond permitted capacity. None of this is reflected in the application for transfer. The documentation of these problems may be useful to the PSC in their deliberations.

I respectfully request that the PSC deny the application of Aqua Utilities and allow the residents of Fountain Lakes and Marsh Landing to pursue other alternatives, especially Bonita Spring Utility.

Sincerely yours,



Gail A. Hermosilla

Lou's PC:Gail\fountain lakes\PSC letter about Aqua purchase.doc, 3/26/09

090056

RECEIVED-FPSC

09 MAR 30 AM 9:47

COMMISSION
CLERK

Louis J. Cesa
22100 Cinnamon Lane unit 105
Estero, Florida 33928
gailhermosilla@yahoo.com
914.456.9396

March 26, 2009

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
1540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

FPSC, CLK - CORRESPONDENCE
Administrative Parties ~~Consumer~~
DOCUMENT NO. 01467-09
DISTRIBUTION: ECR, GCU

Re: Docket No. **090056-SU**, Application for approval of transfer of wastewater system of Fountain Lake Sewer Corporation, holder of Certificate 442-S, to Aqua Utilities Florida, Inc., holder of Certificate 2688, and for amendment of Certificate 258-S, in Lee County, by Aqua Utilities Florida, Inc.

I am a homeowner in the Fountain Lakes community and am opposed to the transfer of our wastewater facility to Aqua Utilities Florida, Inc. I believe there are safer and more efficient methods of handling our sewage and irrigation that would be less harmful to the environment and make better utilization of the excess capacity of Bonita Spring Utility (BSU) facilities.

1. The existing plant at Fountain Lakes is over 20 years old and is at or near the end of its useful life and should be retired.
2. The existing plant sits on the edge of a wetland that flows into the Estero River and then into Estero Bay. Estero Bay is recognized by South Florida Water Management District as an impaired water body that receives excess nutrients. Removing the sewer plant would result in a significant reduction of nutrient loading.
3. The existing plant does not produce re-useable material while the BSU plant does. Transferring to BSU would conserve this resource. Aqua Utilities indicates in their filing that they may convert the plant to reuse. This would require significant investment that they would likely want to recover by raising rates.
4. The ingress/egress of sludge-hauling trucks through the Fountain Lakes neighborhood would be eliminated if the two communities (Fountain Lakes and Marsh Landing) hooked up to BSU.
5. The collection system, especially the older parts constructed of vitrified clay pipe, has serious infiltration issues and structural problems as evidenced by the repeated back up problems.

6. The plant has had multiple problems over the years with the DEP for too many connections and flows beyond permitted capacity. None of this is reflected in the application for transfer. The documentation of these problems may be useful to the PSC in their deliberations.

I respectfully request that the PSC deny the application of Aqua Utilities and allow the residents of Fountain Lakes and Marsh Landing to pursue other alternatives, especially Bonita Spring Utility.

Sincerely yours,



Louis J. Cesa

Lou's PC:Gailfountain lakes\PSC letter about Aqua purchase.doc, 3/26/09

090054

RECEIVED-FPSC

09 MAR -4 AM 9:36

COMMISSION
CLERK

Jane Moore

2/28/09

am in total
agreement with the
objections to the sale
of Fountain Lake
water company to
Aqua.

I would like
my objection to be
reverted.

Jane Moore
23176 Grassy Pine Dr
Estero, FL 33929
(March 2nd 2009)

A51693-28

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 04101-09
DISTRIBUTION: Gregory



090050

RECEIVED-FPSC

09 MAR -4 AM 9:19

COMMUNICATION CENTER
03/02/09 - 11:07:24

February 25, 2009

COMMISSION
CLERK

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

FPSC, CLK - CORRESPONDENCE
Administrative Parties ~~Consumer~~
DOCUMENT NO. 01467-09
DISTRIBUTION: EARGCC

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey.

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on behalf of the undersigned residents of Fountain Lakes. Our reasons for objection to the transfer are enumerated below for your thoughtful consideration.

1. The utility plant is nearing the end of its useful life cycle and should be retired. The package plant was permitted when there was no other option for central sewer in the area and that situation has changed. Bonita Springs Utilities has pipes in the area and the board of BSU, and their general manager, have verified that they are willing to accept the flow from Fountain Lakes and Marsh Landing. Investing more resources into rehabilitating a old package plant that sits on the edge of a wetland that feeds into a water body of special concern, Estero Bay, is not in the best interest of the customers of this utility or Lee County or the health of Halfway Creek or Estero River or Estero Bay.
2. The proposed purchase price in the Asset Sale Agreement of \$1.6 million dollars is nearly three times the 2007 PSC approved value for the utility.
3. The collection system for this utility requires investment to rehabilitate the lift stations and the collection systems. Rehabilitation of the three oldest lift stations in Fountain Lakes and repairs of the vitrified clay piping systems, added to the contracted purchase price of \$1.6 million and the rehab of the plant, will result in an asset base that will generate the highest wastewater rates in Lee and Collier County if Aqua is allowed to earn on their investment. This is not in the best interest of anybody but Aqua Utilities.
4. The plant is a continuous source of odors for the community. Either it does not have capacity to completely digest the sewage before stabilization or the plant is being run improperly or the plant needs some other costly upgrades to correct the odor problem.

These odors are so bad at times that the residents in proximity of the plant are effectively restricted to their homes and cannot even open their windows without fear of polluting their homes.

5. The ingress/egress of the sludge hauling trucks runs through our community and this traffic is not compatible with the residential nature of the community.

6. Aqua Utilities started out charging higher rates than permitted by their tariff and did not change until members of the community complained to the PSC. Complaints to Aqua customer service were greeted with indifference at best.

7. Aqua Utilities customer service is terrible. Late fees seem to be a part of their business strategy. Bills mailed five days in advance have resulted in late fees and customer service advised customers that they should allow two weeks or mail their monthly bill via registered mail. No relief from late fees was provided to residents who have complained.

8. Aqua utilities is also proposing to purchase the community irrigation system. Since they have taken over the system, the service has been worse than anybody can remember and the response to complaints practically non-existent. This community wide irrigation system, which pulls water from the lakes maintained by the community, should not be a for profit enterprise for a billion dollar utility.

9. There have been multiple sewer spills resulting in sewage running down our streets and into our lakes since Aqua has taken over the system but there has been no discernable effort to fix the problem and clean-ups have been marginal at best. Lime has been sparsely applied in areas at times but little or no effort made to wash down and properly sanitize the spill areas has been made by Aqua Utilities and/or their hired operator. Aqua has not communicated with the neighborhood as to how they should protect themselves when this happens. No signs posted, no info sent in the bills, no educational info posted on the community bulletin boards, nothing.

10. Aqua Utilities seems to consistently file for higher rates for all of their Florida Utilities on an annual basis. When denied, it appears that they just re-file at the next available cycle. This community does not want to have to fight higher rates every year until they get their way.

11. The Fountain Lakes HOA has tried multiple times to purchase the system at a reasonable price in order to retire it and have been rebuffed each time by the former owner who developed the community due to his high asking price. Only Aqua Utilities is willing to pay such a high price for such an old system with so many problems.

12. The Bonita Springs Utilities plant is a state of the art plant with excess capacity that produces re-use quality effluent. This would result in the resource not going to waste and probably a higher quality sludge that would also aid the environment.

13. Fountain Lakes, together with Marsh Landing, is willing to explore the creation of an MSTBU to purchase and retire the plant if it was available at a reasonable price. It is in the best interest of the customers of this utility, the environment of Lee County, and the residents of Fountain Lakes to eliminate this source of irritation and pollution.

14. Lee County commissioners have stated numerous times that it is their objective to eliminate package plants in Lee County when it is practical to do so. It is practical to do so in this case and Commissioner Ray Judah has expressed his support for the elimination of the plant.

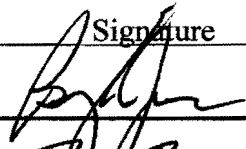
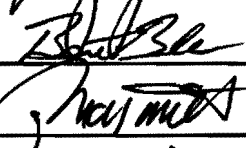
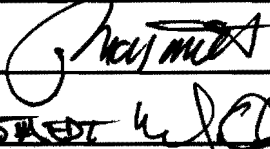
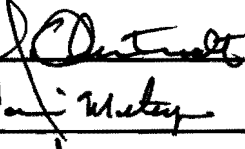
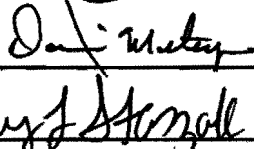

15. Aqua Utilities has provided no evidence of having done the proper due diligence to justify such a high price for such an old utility in such disrepair. At a minimum, one would expect that a Phase 1 environmental report, and probably a Phase 2, as well as some video taping of the vitrified clay portions of the sewer system would be completed.

16. The application has some inconsistent information and some blank, unsigned documents. The contracted purchase price is \$1.6 million (paragraph 1.6, Asset Sale Agreement) but the funds provided to purchase according to Exhibit "G" are \$522,000. Lee County tax collector website reflects a sale price of \$756,800.

17. Aqua completed the legal transfer of the asset prior to receiving approval from the PSC as though approval was a mere formality. The customers were notified that it was a done deal and only the due diligence of some members of the community have uncovered the reality that the PSC must approve this transfer. The manner in which it has been handled does not give members of this community that Aqua Utilities has their best interests at heart.

For all of the above reasons, we would respectfully request that the PSC deny the transfer of this utility to Aqua Utilities.

Sincerely,

Name	Signature	Address
BARRY JONES		321675 FORESTVIEW DR ESTERO FL 33928
BONNIE BAKER		22680 FORESTVIEW DR ESTERO FL 33928
A. MARINETTI		22671 FORESTVIEW DR, ESTERO 33928
MARTIN OBERSTEDT		22669 FORESTVIEW DR ESTERO 33928
DAVID METEYARD		22668 FORESTVIEW DR ESTERO 33928
Mary Staszak		22656 Forestview Dr. Estero FL 33928

SUSAN SKRUCK Susan Skruck 22643 Forest View Dr ESTERO FL 33928

JAMES BROWN James Brown 22644 Forest View Dr ESTERO 33928

JOHN JEFFREY 22631 FOREST VIEW

SHERMAN STREET 22632 FOREST VIEW DR

C.B. BULL 22614 FOREST VIEW DR

William Coultz 22581 Island Lakes Dr

A. Jones
22675 Forest View Drive
ESTERO FL 33928

090056

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09 MAR -4 AM 9:19

COMMISSION
CLERK

09 MAR -4 AM 7:23

February, 26, 2009

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

FPSC, CLK - CORRESPONDENCE
Administrative Parties / Consumer
DOCUMENT NO. 01167-09
DISTRIBUTION: ECR GU

Michael B. Toomey
P.O. Box 5256
Tallahassee, FL 32314-5256

Re: Transfer of Wastewater Plant by Fountain Lakes Sewer to Aqua Utilities Florida, Inc.

Dear Director and Mr. Toomey,

We are residents of Marsh Landing in Estero and have a sewer system in common with Fountain Lakes. We are opposed to the sale of this system to Aqua Utilities.

Considering the age (20 plus years) and past performance it is difficult to believe any vast improvement will be noted with a change of ownership.

Marsh Landing and Fountain Lakes would be best served by connecting to Bonita Springs Utilities as soon as possible.

Sincerely,
Dale Jarvis
Barbara Jarvis
Dale and Barbara Jarvis

Jarvis
23236 Grand Pine Dr
Estero, FL
33928

090056

RECEIVED-FPSC
09 MAR -2 AM 10:19
COMMISSION
CLERK

09 MAR -2 PM 8:13

February 27, 2009

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 0147-09
DISTRIBUTION: ECR.GU

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on behalf of my wife and me.

Because there is now enough capacity at the new Bonita Springs Utilities plant to handle the flows from Fountain Lakes and Marsh Landing (where we live) it would appear that the continue operation of the Fountain Lakes package plant is unnecessary and the communities will be better served by connecting to the existing central sewer. Upgrading the plant would require substantial capital investment on top of the premium price Aqua is paying for the system. This will no doubt push our rates much higher than surrounding utilities.

Thank you very much for your consideration of this matter.

Sincerely,

James A. Heben
James A. Heben

H Mr. James Heben
23120 Grassy Pine Dr
Estero, FL 33928

RECEIVED-FPSC

09 MAR -2 AM 10:15

COMMISSION
CLERK

PHILIP J. WINDEY
23248 Grassy Pine Dr.
Estero, FL 33928
239 948 7617

090054

09 MAR -2 10:15 AM

February 26, 2009

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 01467-09
DISTRIBUTION: ECRGLL

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

Michael B. Twomey, Esq.

Re: Aqua Utilities Florida, Inc. transfer of water/wastewater facility from
Fountain Lakes Sewer Corp.

Dear Director and Mr. Twomey.

Please allow this to serve as formal objection to the proposed purchase of the
Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities
Florida, Inc. on behalf of my wife and I.

We purchased our primary home in Marsh Landing, 23248 Grassy Pine Dr.
and another Coach home in Marsh Landing 22904 Lone Oak Dr. Estero, FL
33928. We have been aware of ongoing problems with the sewer facility at
Fountain Lakes. We in good faith believe strongly that this facility affects
the health, safety, and welfare of people living in Fountain Lakes and Marsh
Landing.

As I believe you are aware, the utility was established when there was no
other alternative for central sewer service. The existing plant at Fountain
Lakes is over 20 years old and is at or near the end of its useful life and
should be retired. The existing plant sits on the edge of a wetland that flows
into the Estero River and then Estero Bay. Estero Bay is recognized by

South Florida Water Management District as an impaired water body that receives excess nutrients. Removing the sewer plant would result in a significant reduction of nutrient loading.


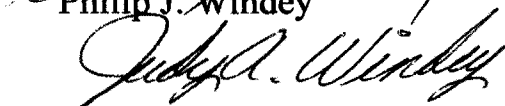
This plant has not been well maintained and is continuous source of odor problems. It appears that the plant has insufficient digester space which results in significant microbial die-off during stabilization process prior to removal of sludge. This would explain the odor problems that are experienced with regularity.

The collection system, especially the older parts made out of vitrified clay pipe, has serious infiltration issues and structural problems from what I have been told by friends.

Bonita Springs Utilities has more than enough capacity at the new state of the art plant to handle the flows from Fountain Lakes, and Marsh Landing. The continued operation of the Fountain Lakes package plant is unnecessary and that the citizens in these communities will be better served by connecting to the existing central sewer. Upgrading the plant at Fountain Lakes would require substantial capital investment on top of the premium price Aqua is paying for the system. This will no doubt push our rates much higher than surrounding utilities.

My wife and I kindly request that you please consider these points and hope you deliberate on these matters at length and come to the conclusion that the proposed purchase of this plant is clearly against the public health, safety and welfare of the citizens in these communities. Thank you very much for your consideration of this matter.

Sincerely,


Philip J. Windey

Judy A. Windey

040054

February 26, 2009

Director, Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC

09 MAR -2 AM 10: 04

COMMISSION
CLERK

RECEIVED
09 MAR -2 AM 11: 08 22

Re: Application for Approval of Transfer of the Wastewater System of Fountain Lakes Sewer Corp. in Lee County, FL. to Aqua Utilities FL. Inc. and Amendment of Aqua's Wastewater Certificate # 268-S

The following are our comments objecting to the transfer of Wastewater Systems of Fountain Lakes Sewer Corp. to Aqua Utilities Florida, Inc.

Many months ago Aqua Utilities took over the management of the sewage system in Fountain Lakes, Estero, Florida.

Aqua held an introductory meeting at a location in Bonita Springs, FL which was almost impossible to find due to very poor directions. Why they could not hold the meeting in our community center where more people could easily attend was a mystery to us. We heard they chose not to have the meeting at our community center was because they wanted to have liquor available ! Is booze really that important ?

We received our first bill from Aqua and we could not understand why it was so high. After talking to a few neighbors we found out Aqua raised our rates. We also found out that Aqua needed permission from the FL PSC to raise rates, which they did not do. When we brought this to the attention of Aqua they said it was an oversight and they adjusted our bill. We wonder if everyone's billing was corrected or only those who complained ? The more we thought about this the more we became concerned about their business practices. For a company whose business is operating utilities in Florida and other states they should have known they needed PSC approval before raising rates. Their excuse that it was an oversight sounded fishy to us.

In talking with neighbors there apparently have been several spills or backups, what a revolting thought, due to sewer plant problems. Recently, I believe it was on February 12, 2009, I was talking to a neighbor who noticed some liquid substance coming up out of a storm sewer drain. He called Aqua about the problem and had to talk to four people before he could get someone to try and

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 040054-09
DISTRIBUTION: FCS/AGC

do something about the problem this was about 2:00pm. His wife who was up late that evening noticed a truck at the storm sewer drain at around 11:00pm. What might have happened that night could not be determined but the next day you could see some white substance in gutters and storm drain areas.

This was a real wake up call for us. What happened to all that contamination fluid ? Did it leak into our local lakes or make it into Estero Bay, via Halfway Creek, which runs through our area ? Where ever it ended up must be a polluted area. We are not aware of all the regulations or who regulates such systems but we would think when you have the release of contaminated fluids some agency in Lee County and/or the State of Florida should be notified.

Unfortunately we have not paid that much attention to the on going problems at the sewerage plant but this recent backup made us VERY concerned since it was so close to our house and Estero Bay.

We have lived in other developments which had on-site sanitation plants but when central treatment plants had capacity the development had to connect to the central treatment plant.

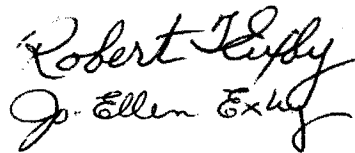
Lee County and the State of Florida have expended large amounts of manpower and money to mitigate pollution and protect Estero Bay, no one needs this time bomb next to Estero Bay

In this day and age it seems totally unconscionable not to look for an alternative. It just doesn't make any sense to let these mini plants continue to operate forever. There is no upside. And the potential for a significant contamination and or pollution problem for people living in our community and Estero Bay, hangs over us.

We respectfully request that approval for this transfer be withheld.

We wish to thank you for allowing us to express our concerns on this matter.

Sincerely yours,
Robert & Jo-Ellen Exby
3890 Maryann Way
P. O. Box 325
Estero, FL 33928

Handwritten signatures of Robert Exby and Jo-Ellen Exby in cursive script.

090056

FPSC, CLK - CORRESPONDENCE
Administrative Parties / Consumer
DOCUMENT NO. 01447-09
DISTRIBUTION: FCRGC

22987 Forest Ridge Dr.
Estero, Fl. 33928
February 25, 2009

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

Subject: Aqua Utilities Florida, Inc. transfer of water/wastewater facility from Fountain Lakes Sewer Corp.

Dear Director,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on behalf of my wife and myself.

We purchased our single family home in Marsh Landing, 22987 Forest Ridge Dr., Estero, FL 33928 in 1999 and have noticed ongoing problems with the sewer facility that I believe could affect the health, safety, and welfare of the people living in our community.

As I believe you are aware, the utility was established when there were no other alternatives for central sewer service. The existing plant at Fountain Lakes is over 20 years old and is at or near the end of its useful life and should be retired. The existing plant sits on the edge of a wetland that flows into the Estero River and then Estero Bay. Estero Bay is recognized by South Florida Water Management District as an impaired water body that receives excess nutrients. Removing the sewer plant could result in a significant reduction of nutrient loading.

The plant does not seem to be well maintained as it is a continuous source of unpleasant odors. It appears that the plant has insufficient digester space which results in significant microbial die-off during the stabilization process prior to removal of sludge. This would explain the odor problems that are experienced with regularity.

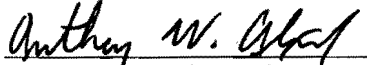
It is my understanding that the collection system, especially the older parts made out of vitrified clay pipe, has serious infiltration issues and structural problems. The plant has had multiple problems over the years with the DEP for too many connections and flows beyond permitted capacity. None of this is reflected in the application for transfer.

We have had several spills over the years which continue to just a few days ago, in multiple areas of the community. The clean-up effort has been minimal with just a light dusting of lime over some of the affected areas. However, this stop-gap effort only addresses the effects of the problem but does not solve the problem itself.

Since there is now more than enough capacity at the new state of the art Bonita Springs Utilities plant to handle the flows from Fountain Lakes and Marsh Landing it would appear that the continued operation of the Fountain Lakes package plant is unnecessary and that the citizens in these communities would be better served by connecting to the existing central sewer. Upgrading the Fountain Lakes plant would require substantial capital investment over and above the premium price Aqua is paying for the system. The expenditure to upgrade the current plant would be fiscally irresponsible and would no doubt push our rates much higher than surrounding utilities.

On behalf of my wife and myself, I kindly request that you please strongly consider these points and hope you deliberate on these matters at length and come to the conclusion that the proposed purchase of this plant is clearly against the public health, safety and welfare of the citizens in these communities. Thank you very much for your consideration of this matter.

Sincerely,


Anthony W. Alexander

090056

23082 Lone Oak Drive
Estero, FL 33928
Marsh Landing
248-842-061
2/26/2009

RECEIVED-FPSC

09 MAR -2 AM 9: 59

COMMISSION
CLERK

Director
Office of Commission Clerk
2540 Shumand Oak blvd.
Tallahassee, FL 32399-0850

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 011107-09
DISTRIBUTION: ECR GCL

Michael B. Twomey
P.O. Box 5256
Tallahassee, FL 32314-5256

Dear Director and Mr. Twomey,

I am writing to voice my and my husbands' objections to the purchase of Aqua Utilities Florida from Fountain Lakes Sewer Corporation. We believe that the purchase would have a negative effect on our community.

My husband and I believe that the new Bonita Springs Utilities would serve us better. It is new and modern and would serve us well for many years.

The Fountain Lakes plant is old, inefficient and outdated. It deposits excess nutrients that end up in Estero River and Estero Bay. It emits unpleasant odors and there have been several spills over the years which could endanger our and our children's health. Upgrading the plant would be very expensive and push our rates far above the surrounding utilities. It is working over capacity and seems to be poorly maintained.

The Bonita Springs Utilities has the capacity to treat flows from Fountain Lakes and Marsh Landing, The Fountain Lakes plant is unnecessary and unwanted. The purchase of this plant would endanger the health and safety of our communities.

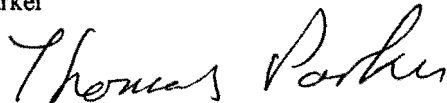
Please consider our wishes before making your decision.

Sincerely,

Kartina Parker



Tom Parker



Dorothy Menasco

090056

From: Filings@psc.state.fl.us
Sent: Friday, February 27, 2009 5:42 PM
To: 'barry.jones@tylin.com'
Cc: Kimberley Pena; Ruth Nettles; Anna Williams; Cheryl Johnson
Subject: FW: Fountain Lakes/ Aqua Sewer Transfer Request
Attachments: 4187_001.pdf

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 01417-09
DISTRIBUTION: _____

Mr. Jones:

This message was delivered to the e-filings in-box. This message will be placed in the correspondence side of the docket file, without further action. A link to the PSC e-filing requirements is being provided for your convenience:

<http://www.psc.state.fl.us/dockets/e-filings/>

Please call our office if you have any questions.

Dorothy Menasco
FPSC
Office of Commission Clerk
850-413-6770

From: Barry Jones [mailto:barry.jones@tylin.com]
Sent: Friday, February 27, 2009 3:25 PM
To: Filings@psc.state.fl.us
Subject: Fountain Lakes/ Aqua Sewer Transfer Request

Item attached : Fountain Lakes/ Aqua Sewer Transfer Request Letter of Objection

for
Docket
090056

Application for approval of transfer of wastewater system of Fountain Lake Sewer Corporation, holder of Certificate 442-S, to Aqua Utilities Florida, Inc., holder of Certificate 268-S, and for amendment of Certificate 258-S, in Lee County, by Aqua Utilities Florida, Inc.

Submitted by:

Barry E. Jones, PE
22675 Forestview Drive
Estero, FL 33928
239.495.2069
239-565-0427 (cell)

Thank you

2/27/2009

Ruth Nettles

090056

From: Barry Jones [barry.jones@tylin.com]
Sent: Friday, February 27, 2009 3:25 PM
To: Filings@psc.state.fl.us
Subject: Fountain Lakes/ Aqua Sewer Transfer Request
Attachments: 4187_001.pdf

FPSC, CLK - CORRESPONDENCE
Administrative Parties ~~Consumer~~
DOCUMENT NO. 01467-09
DISTRIBUTION: _____

Item attached : Fountain Lakes/ Aqua Sewer Transfer Request Letter of Objection

for

**Docket
090056**

**Application for approval of
transfer of wastewater system of
Fountain Lake Sewer
Corporation, holder of Certificate
442-S, to Aqua Utilities Florida,
Inc., holder of Certificate 268-S,
and for amendment of Certificate
258-S, in Lee County, by Aqua
Utilities Florida, Inc.**

Submitted by:

Barry E. Jones, PE
22675 Forestview Drive
Estero, FL 33928
239.495.2069
239-565-0427 (cell)

Thank you

February 25, 2009

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey.

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on behalf of the undersigned residents of Fountain Lakes. Our reasons for objection to the transfer are enumerated below for your thoughtful consideration.

1. The utility plant is nearing the end of its useful life cycle and should be retired. The package plant was permitted when there was no other option for central sewer in the area and that situation has changed. Bonita Springs Utilities has pipes in the area and the board of BSU, and their general manager, have verified that they are willing to accept the flow from Fountain Lakes and Marsh Landing. Investing more resources into rehabilitating a old package plant that sits on the edge of a wetland that feeds into a water body of special concern, Estero Bay, is not in the best interest of the customers of this utility or Lee County or the health of Halfway Creek or Estero River or Estero Bay.
2. The proposed purchase price in the Asset Sale Agreement of \$1.6 million dollars is nearly three times the 2007 PSC approved value for the utility.
3. The collection system for this utility requires investment to rehabilitate the lift stations and the collection systems. Rehabilitation of the three oldest lift stations in Fountain Lakes and repairs of the vitrified clay piping systems, added to the contracted purchase price of \$1.6 million and the rehab of the plant. will result in an asset base that will generate the highest wastewater rates in Lee and Collier County if Aqua is allowed to earn on their investment. This is not in the best interest of anybody but Aqua Utilities.
4. The plant is a continuous source of odors for the community. Either it does not have capacity to completely digest the sewage before stabilization or the plant is being run improperly or the plant needs some other costly upgrades to correct the odor problem.

These odors are so bad at times that the residents in proximity of the plant are effectively restricted to their homes and cannot even open their windows without fear of polluting their homes.

5. The ingress/egress of the sludge hauling trucks runs through our community and this traffic is not compatible with the residential nature of the community.

6. Aqua Utilities started out charging higher rates than permitted by their tariff and did not change until members of the community complained to the PSC. Complaints to Aqua customer service were greeted with indifference at best.

7. Aqua Utilities customer service is terrible. Late fees seem to be a part of their business strategy. Bills mailed five days in advance have resulted in late fees and customer service advised customers that they should allow two weeks or mail their monthly bill via registered mail. No relief from late fees was provided to residents who have complained.

8. Aqua utilities is also proposing to purchase the community irrigation system. Since they have taken over the system, the service has been worse than anybody can remember and the response to complaints practically non-existent. This community wide irrigation system, which pulls water from the lakes maintained by the community, should not be a for profit enterprise for a billion dollar utility.

9. There have been multiple sewer spills resulting in sewage running down our streets and into our lakes since Aqua has taken over the system but there has been no discernable effort to fix the problem and clean-ups have been marginal at best. Lime has been sparsely applied in areas at times but little or no effort made to wash down and properly sanitize the spill areas has been made by Aqua Utilities and/or their hired operator. Aqua has not communicated with the neighborhood as to how they should protect themselves when this happens. No signs posted, no info sent in the bills, no educational info posted on the community bulletin boards, nothing.

10. Aqua Utilities seems to consistently file for higher rates for all of their Florida Utilities on an annual basis. When denied, it appears that they just re-file at the next available cycle. This community does not want to have to fight higher rates every year until they get their way.

11. The Fountain Lakes HOA has tried multiple times to purchase the system at a reasonable price in order to retire it and have been rebuffed each time by the former owner who developed the community due to his high asking price. Only Aqua Utilities is willing to pay such a high price for such an old system with so many problems.

12. The Bonita Springs Utilities plant is a state of the art plant with excess capacity that produces re-use quality effluent. This would result in the resource not going to waste and probably a higher quality sludge that would also aid the environment.

13. Fountain Lakes, together with Marsh Landing, is willing to explore the creation of an MSTBU to purchase and retire the plant if it was available at a reasonable price. It is in the best interest of the customers of this utility, the environment of Lee County, and the residents of Fountain Lakes to eliminate this source of irritation and pollution.

14. Lee County commissioners have stated numerous times that it is their objective to eliminate package plants in Lee County when it is practical to do so. It is practical to do so in this case and Commissioner Ray Judah has expressed his support for the elimination of the plant.

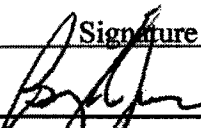




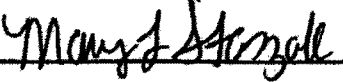
15. Aqua Utilities has provided no evidence of having done the proper due diligence to justify such a high price for such an old utility in such disrepair. At a minimum, one would expect that a Phase 1 environmental report, and probably a Phase 2, as well as some video taping of the vitrified clay portions of the sewer system would be completed.

16. The application has some inconsistent information and some blank, unsigned documents. The contracted purchase price is \$1.6 million (paragraph 1.6, Asset Sale Agreement) but the funds provided to purchase according to Exhibit "G" are \$522,000. Lee County tax collector website reflects a sale price of \$756,800.

17. Aqua completed the legal transfer of the asset prior to receiving approval from the PSC as though approval was a mere formality. The customers were notified that it was a done deal and only the due diligence of some members of the community have uncovered the reality that the PSC must approve this transfer. The manner in which it has been handled does not give members of this community that Aqua Utilities has their best interests at heart.

For all of the above reasons, we would respectfully request that the PSC deny the transfer of this utility to Aqua Utilities.

Sincerely,

Name	Signature	Address
Randy Jones		22675 FORESTVIEW DR ESTERO FL 33928
Bone Baker		22680 FORESTVIEW DR ESTERO FL 33928
A. MARIANETTI		22671 FORESTVIEW DR, ESTERO 33928
MARTIN OBERSTREIT		22669 FORESTVIEW DR ESTERO 33928
DAVID METEYARD		22668 FORESTVIEW DR ESTERO 33928
Mary Staszak		22656 Forest View Dr. ESTERO FL 33928

Susan Skruck Jesus fund 22643 Forest View Dr Estero 33928
James Brown James Brown 22644 Forest View Dr Estero 33928
JOHN JEFFREY 22631 FOREST VIEW
SHERMAN STREET 22632 FORESTVIEW DR
C. B. BULL 22614 FOREST VIEW DR
William Covitz 22581 Island Lakes Dr

Katie Ely

090056

From: Ruth McHargue
Sent: Thursday, February 26, 2009 2:33 PM
To: Katie Ely
Cc: Kimberley Pena; Cheryl Bulecza-Banks
Subject: Docket correspondence

Attachments: FAX.TIF

From: Consumer Contact
Sent: Thursday, February 26, 2009 1:41 PM
To: Ruth McHargue
Subject: FW: 2399927527, 1 page(s)

FPSC, CLK - CORRESPONDENCE
Administrative Parties / Consumer
DOCUMENT NO. 1467-09
DISTRIBUTION: ECR GCL

To CLK

For docket 090056

From: NET SatisFAXtion
Sent: None
To: Consumer Contact
Subject: 2399927527, 1 page(s)

You have received a new fax. This fax was received by **NET SatisFAXtion**. The fax is attached to the message. Open the attachment to view your fax.

Received Fax Details

Received On: 2/26/2009 1:33 PM
Number of Pages: 1
From (CSID): 2399927527
From (ANI):
Sent to DID:

Duration of Fax: 0:00:54
Transfer Speed: 9600

Received Status: Success
Number of Errors: 0
Port Received On: RockForceOCTO+ Port 6



FAX.TIF (18 KB)

ANNETTE & BERNARD HIGGINS
3871 Spring Garden Lane
Estero, FL 33928-2386
239-992-7527

February 24,2009

FAX to 800-511-0809

Director-Office of Commission Clerk
The Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-8850

Dear Commissioners,

We are writing to you to implore that you refuse the transfer of the Fountain Lakes Sewer and Irrigation System to Aqua Utilities.

This transfer would propagate the use of the present sewer plant that is over twenty years old and does not work properly. We have been having difficulties with the services we have been getting from Aqua with regards to the sewer and irrigation in our community. Customer service is very poor and we are afraid that after they receive confirmation they will increase the rates considerably in order to fix the problems.

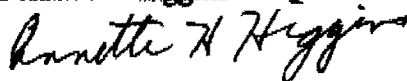
The area has a local utility, Bonita Springs Utilities, that provides our water service and we feel that they would do a much better job. They probably would close the package plant and use their own facility to cover the sewer and irrigation of our community. This would not only be better for our community, but for the entire area, as the plant is an ecological hazard.

Thank you for your consideration in this matter.

Very truly yours,



Bernard J. Higgins



Annette H. Higgins

Cc: Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, Fl.
32314-5256

090056

RECEIVED-FPSC

09 FEB 26 AM 9: 29

February 21, 2009
22995 Lone Oak Dr.
Estero, FL 33928

RECEIVED
09 FEB 26 11 7:39

COMMISSION
Director CLERK
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32390-0850

FPSC, CLK - CORRESPONDENCE
Administrative Parties ~~Consumer~~
DOCUMENT NO. 01467-09
DISTRIBUTION: ECR GCL

090056

RE: Aqua Utilities Florida, Inc transfer of facility from Fountain Lakes Sewer Co.

Dear Director:

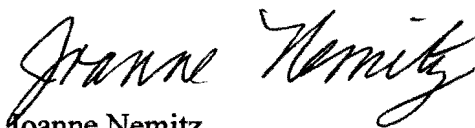
As a home owner in the Marsh Landings Development I would like to formally object to the proposed purchase of the Fountain Lakes Sewer Corp facility by Aqua Utilities Florida. The existing plant at Fountain Lakes is over 20 years old and is probably in need of replacement.

The plant has not been well maintained and is a continuous source of odor problems. The plant has had multiple problems over the years with the DEP for too many connections and flows beyond permitted capacity. This effects not only Fountain Lakes but also neighboring Marsh Landings.

Due to the fact that there is now more than enough capacity at the Bonita Springs Utilities to handle the flows from Fountain Lakes & Marsh Landing it would seem reasonable that the citizens of these communities would be better served by connecting to the existing central sewer. Upgrading the present system would require substantial capital investment and would push our rates much higher that surrounding utilities.

Please consider these points. A logical conclusion would be that the purchase of this plant is clearly wrong for those of us in these communities.

Sincerely,



Joanne Nemitz
239-390-2876
CC: Michael B Twomey, Esq
PO Box 5356
Tallahassee, FL 32314-5256

090056

RECEIVED--FPSC

09 FEB 26 AM 9: 27

09 FEB 26 10: 17: 28

February 23, 2009

COMMISSION
CLERK

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

FPSC, CLK - CORRESPONDENCE
Administrative Parties ~~Consumer~~
DOCUMENT NO. 01467-09
DISTRIBUTION: ECR, GCL

090056

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on behalf of the undersigned residents of Fountain Lakes. Our reasons for objection to the transfer are enumerated below for your thoughtful consideration.

1. The utility plant is nearing the end of its useful life cycle and should be retired. The package plant was permitted when there was no other option for central sewer in the area and that situation has changed. Bonita Springs Utilities has pipes in the area and the board of BSU, and their general manager, have verified that they are willing to accept the flow from Fountain Lakes and Marsh Landing. Investing more resources into rehabilitating a old package plant that sits on the edge of a wetland that feeds into a water body of special concern, Estero Bay, is not in the best interest of the customers of this utility or Lee County or the health of Halfway Creek or Estero River or Estero Bay.
2. The proposed purchase price in the Asset Sale Agreement of \$1.6 million dollars is nearly three times the 2007 PSC approved value for the utility.
3. The collection system for this utility requires investment to rehabilitate the lift stations and the collection systems. Rehabilitation of the three oldest lift stations in Fountain Lakes and repairs of the vitrified clay piping systems, added to the contracted purchase price of \$1.6 million and the rehab of the plant, will result in an asset base that will generate the highest wastewater rates in Lee and Collier County if Aqua is allowed to earn on their investment. This is not in the best interest of anybody but Aqua Utilities.
4. The plant is a continuous source of odors for the community. Either it does not have capacity to completely digest the sewage before stabilization or the plant is being run improperly or the plant needs some other costly upgrades to correct the odor problem.

These odors are so bad at times that the residents in proximity of the plant are effectively restricted to their homes and cannot even open their windows without fear of polluting their homes.

5. The ingress/egress of the sludge hauling trucks runs through our community and this traffic is not compatible with the residential nature of the community.

6. Aqua Utilities started out charging higher rates than permitted by their tariff and did not change until members of the community complained to the PSC. Complaints to Aqua customer service were greeted with indifference at best.

7. Aqua Utilities customer service is terrible. Late fees seem to be a part of their business strategy. Bills mailed five days in advance have resulted in late fees and customer service advised customers that they should allow two weeks or mail their monthly bill via registered mail. No relief from late fees was provided to residents who have complained.

8. Aqua utilities is also proposing to purchase the community irrigation system. Since they have taken over the system, the service has been worse than anybody can remember and the response to complaints practically non-existent. This community wide irrigation system, which pulls water from the lakes maintained by the community, should not be a for profit enterprise for a billion dollar utility.

9. There have been multiple sewer spills resulting in sewage running down our streets and into our lakes since Aqua has taken over the system but there has been no discernable effort to fix the problem and clean-ups have been marginal at best. Lime has been sparsely applied in areas at times but little or no effort made to wash down and properly sanitize the spill areas has been made by Aqua Utilities and/or their hired operator. Aqua has not communicated with the neighborhood as to how they should protect themselves when this happens. No signs posted, no info sent in the bills, no educational info posted on the community bulletin boards, nothing.

10. Aqua Utilities seems to consistently file for higher rates for all of their Florida Utilities on an annual basis. When denied, it appears that they just re-file at the next available cycle. This community does not want to have to fight higher rates every year until they get their way.

11. The Fountain Lakes HOA has tried multiple times to purchase the system at a reasonable price in order to retire it and have been rebuffed each time by the former owner who developed the community due to his high asking price. Only Aqua Utilities is willing to pay such a high price for such an old system with so many problems.

12. The Bonita Springs Utilities plant is a state of the art plant with excess capacity that produces re-use quality effluent. This would result in the resource not going to waste and probably a higher quality sludge that would also aid the environment.

13. Fountain Lakes, together with Marsh Landing, is willing to explore the creation of an MSTBU to purchase and retire the plant if it was available at a reasonable price. It is in the best interest of the customers of this utility, the environment of Lee County, and the residents of Fountain Lakes to eliminate this source of irritation and pollution.

14. Lee County commissioners have stated numerous times that it is their objective to eliminate package plants in Lee County when it is practical to do so. It is practical to do so in this case and Commissioner Ray Judah has expressed his support for the elimination of the plant.

15. Aqua Utilities has provided no evidence of having done the proper due diligence to justify such a high price for such an old utility in such disrepair. At a minimum, one would expect that a Phase 1 environmental report, and probably a Phase 2, as well as some video taping of the vitrified clay portions of the sewer system would be completed.

16. The application has some inconsistent information and some blank, unsigned documents. The contracted purchase price is \$1.6 million (paragraph 1.6, Asset Sale Agreement) but the funds provided to purchase according to Exhibit "G" are \$522,000. Lee County tax collector website reflects a sale price of \$756,800.

17. Aqua completed the legal transfer of the asset prior to receiving approval from the PSC as though approval was a mere formality. The customers were notified that it was a done deal and only the due diligence of some members of the community have uncovered the reality that the PSC must approve this transfer. The manner in which it has been handled does not give members of this community that Aqua Utilities has their best interests at heart.

For all of the above reasons, we would respectfully request that the PSC deny the transfer of this utility to Aqua Utilities.

Sincerely,

Name	Signature	Address
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Philip E. Fontaine	<i>Philip E. Fontaine</i>	22174 Seashore Cir Estero FL 33928
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KATHLEEN FONTAINE	<i>Kathleen A. Fontaine</i>	22174 Seashore Circle Estero FL 33928
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090056

Director, Office of Commission Clerk
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850

RECEIVED-FPSC
09 FEB 26 AM 9:18
COMMISSION
CLERK

February 23, 2009

09 FEB 26 11:17:47

Dear Director:

090056

As a resident of Fountain Lakes's community, I wish to file an objection to the proposed acquisition of the Fountain Lakes Sewer Corporations, sewer wastewater plant by Aqua Utilities' Florida Inc. My objections are as follows:

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 04467-09
DISTRIBUTION: ECW/GCL

The utility plant is obsolete and should be taken out of service. When this plant was built there were no other options for central sewer service. The proposed purchase price is several times the PSC approved value for the utility and Aqua has provided no evidence of having done a proper due diligence to justify such a high price. At a minimum they should have done a phase 1 and probably a phase 2 study. There would also be substantial investment required which makes little sense considering that this old package plant sits on the edge of wetland that feeds into a body of water of special concern, Estero Bay. This is particularly so considering that Bonita Springs Utilities has the infrastructure and the capacity to handle the sewage from both Fountain Lakes and Marsh Landing which are currently serviced by the package plant and are willing to accept the flow from both communities.

The purchase price plus repairs and rehabilitation of this old plant will result in one of the highest rates in both Lee and Collier County if Aqua is allowed a reasonable return on their investment.

The odors that emanate from this plant from time to time require residents to stay in their homes and not even open their windows.

Aqua Utilities some months ago acquired the irrigation provider for our community and the service since has been dismal. They significantly increased our rates until community activists complained to the PSC. Residents refused to pay for irrigation they did not receive and still were charged late fees.

Since Aqua has taken over the system there have been numerous sewer spills in our lakes and streets. Repairs have been hap hazard at best and no attempt to clean and sanitize the messes occurred. Aqua has failed miserably in communication with resident when these spills take place and how to protect them when this happens-no signs, no explanation sent with invoices and no educational information posted on the community bulletin board.

Aqua Utilities consistently files for higher rates for all their Florida utilities on an annual basis and if denied they seem to refile at the next available date.

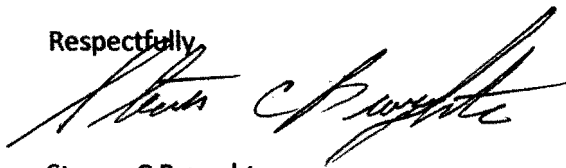
The Bonita Springs Utilities plant is state of the art and produces re-usable quality water that would not go to waste.

Aqua also accepted legal transfer of the plant prior to receiving PSC approval.

Lee County Commissioners have stated over and over that it is their objective to eliminate such package plants in Lee County when it is practical to do so. It is practical to do so in this case and Commissioner Ray Judah has expressed his support for the elimination of this plant.

I urge you to reject Aqua Utilities request for making this acquisition.

Respectfully,

A handwritten signature in black ink, appearing to read "Steven C Broughton", written in a cursive style.

Steven C Broughton

Cc. Mr. Michael B. Twomey, Esq.

P. O. Box 5256

Tallahassee, FL 32314-5256

Katie Ely

090054

From: Ruth McHargue
Sent: Wednesday, February 25, 2009 11:50 AM
To: Katie Ely
Cc: Kimberley Pena; Cheryl Bulecza-Banks
Subject: 090056

Attachments: FAX.TIF

FPSC, CLK - CORRESPONDENCE
Administrative Parties / Consumer
DOCUMENT NO. 01467-09
DISTRIBUTION: ECR GCL

Please add to docket file.

From: Consumer Contact
Sent: Tuesday, February 24, 2009 2:56 PM
To: Ruth McHargue
Subject: FW: 2399927527, 1 page(s)

To CLK for docket 090056

From: NET SatisFAXtion
Sent: None
To: Consumer Contact
Subject: 2399927527, 1 page(s)

You have received a new fax. This fax was received by **NET SatisFAXtion**. The fax is attached to the message. Open the attachment to view your fax.

Received Fax Details

Received On: 2/24/2009 1:32 PM
Number of Pages: 1
From (CSID): 2399927527
From (ANI):
Sent to DID:

Duration of Fax: 0:00:51
Transfer Speed: 9600

Received Status: Success
Number of Errors: 0
Port Received On: RockForceOCTO+ Port 6



FAX.TIF (17 KB)

ANNETTE & BERNARD HIGGINS
3871 Spring Garden Lane
Estero, FL 33928-2386
239-992-7527

February 24,2009

FAX to 800-511-0809

The Florida Public Service Commission
Division of Consumer Affairs
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-8850

Dear Commissioners,

We are writing to you to implore that you refuse the transfer of the Fountain Lakes Sewer and Irrigation System to Aqua Utilities.

This transfer would propagate the use of the present sewer plant that is over twenty years old and does not work properly. We have been having difficulties with the services we have been getting from Aqua with regards to the sewer and irrigation in our community. Customer service is very poor and we are afraid that after they receive confirmation they will increase the rates considerably in order to fix the problems.

The area has a local utility, Bonita Springs Utilities, that provides our water service and we feel that they would do a much better job. They probably would close the package plant and use their own facility to cover the sewer and irrigation of our community. This would not only be better for our community, but for the entire area, as the plant is an ecological hazard.

Thank you for your consideration in this matter.

Very truly yours,


Bernard J. Higgins


Annette H. Higgins

090056

February 22, 2009
John Dorrian
22025 Seashore Circle
Estero, Florida 33928

RECEIVED-FPSC

09 FEB 25 AM 9:50

COMMISSION
CLERK

09 FEB 25 11:21

Director
Office of Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

FPSC, CLK - CORRESPONDENCE
Administrative Parties & Consumer
DOCUMENT NO. 01467-09
DISTRIBUTION: ECR GCL

990056-50

Dear Director:

My wife and I reside in Fountain Lakes, a community currently being served by Aqua Utilities Florida for sewer and irrigation. I recently received a letter regarding transfer of service for the sewage plant I am writing to voice my objections

Aqua Utilities is providing poor service in the irrigation area and this has resulted in damage to lawns, poor response from their management and numerous complaints on my part to the state regulating agency. The sewage plant has significant chances for much bigger problems.

The current sewage plant is over 20 years old and was built when no other option was viable. It is a potential environmental catastrophe for Estero Bay, a body of water that is recognized as impaired due to excessive nutrients. If this plant were removed the nutrient load would be reduced. Bonita Springs Utilities provides our drinking water and there is now an option for our community to have our sewer service provided by them as well with their new plant. This utility also provides reuse and would help in reserving our resources.

The current sewage plant has not been well maintained and is the source of continual problems for our community including odor, spills and sludge hauling trucks using our neighborhood streets. These problems affect the quality of life in our community. There have also been numerous problems over the years with the DEP. This should be a factor considered when making your decision. We are also aware that Aqua paid much more than the PSC states the utility is worth. A great deal of capital investment will be necessary and will result in our community paying much more for service than we would as customers of BSU.

We are hopeful you will take time to examine the facts regarding this plant. The Lee County Commission has indicated at different times, they would like to see these type of plants eliminated for the betterment of our environment and our communities.

Sincerely,
John Dorrian

cc MICHAEL B. TWOMEY Esq.
P.O. Box 5256
Tallahassee FL 32314

090056

RECEIVED-FPSC

09 FEB 25 AM 9:47

COMMISSION
CLERK

09 FEB 25 11:24

February 18, 2009

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

FPSC, CLK - CORRESPONDENCE
Administrative Parties / Consumer
DOCUMENT NO. 04407-09
DISTRIBUTION: FCR GU

090056-SU

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on my behalf.

We purchased our single family home in Marsh Landing, 23124 Grassy Pine Drive, Estero, Fl 33928 in 2001 and have noticed ongoing problems with the sewer facility that I in good faith believe strongly affect the health, safety, and welfare of the people living in our community.

As I believe you are aware, the utility was established when there was no other alternative for central sewer service. The existing plant at Fountain Lakes is over 20 years old and is at or near the end of its useful life and should be retired. The existing plant sits on the edge of a wetland that flows into the Estero River and then Estero Bay. Estero Bay is recognized by South Florida Water Management District as an impaired water body that receives excess nutrients. Removing the sewer plant would result in a significant reduction of nutrient loading.

The plant has not been well maintained and is continuous source of odor problems. It appears that the plant has insufficient digester space which results in significant microbial die-off during the stabilization process prior to removal of sludge. This would explain the odor problems that are experienced with regularity.

The collection system, especially the older parts made out of vitrified clay pipe, has serious infiltration issues and structural problems from what I have been told by friends that work at sewer viewer who have been out to check the system when there were blockages. The plant has had multiple problems over the years with the DEP for too many connections and flows beyond permitted capacity. None of this is reflected in the application for transfer.

We have had several spills over the years which continue to just a few days ago.

Due to the fact that there is now more than enough capacity at the new state of the art Bonita Springs Utilities plant to handle the flows from Fountain Lakes and Marsh Landing it would appear that the continued operation of the Fountain Lakes package plant is unnecessary and that the citizens in these communities will be better served by connecting to the existing central sewer. Upgrading the plant would require substantial capital investment on top of the premium price Aqua is paying for the system. This will no doubt push our rates much higher than surrounding utilities.

I kindly request that you please strongly consider these points and hope you deliberate on these matters at length and come to the conclusion that the proposed purchase of this plant is clearly against the public health, safety and welfare of the citizens in these communities. Thank you very much for your consideration of this matter.

Sincerely,

Donna Wagner

*D. Wagner
23124 Jessy Pine Drive
Edisto, FL 33928*

090056

RECEIVED-FPSC

09 FEB 25 AM 9:46

February 23, 2009

COMMISSION
CLERK

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

FPSC, CLK - CORRESPONDENCE
Administrative Parties / Consumer
DOCUMENT NO. 01467-09
DISTRIBUTION: ECR GCL

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

090056-SU

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on behalf of the undersigned residents of Fountain Lakes. Our reasons for objection to the transfer are enumerated below for your thoughtful consideration.

1. The utility plant is nearing the end of its useful life cycle and should be retired. The package plant was permitted when there was no other option for central sewer in the area and that situation has changed. Bonita Springs Utilities has pipes in the area and the board of BSU, and their general manager, have verified that they are willing to accept the flow from Fountain Lakes and Marsh Landing. Investing more resources into rehabilitating a old package plant that sits on the edge of a wetland that feeds into a water body of special concern, Estero Bay, is not in the best interest of the customers of this utility or Lee County or the health of Halfway Creek or Estero River or Estero Bay.
2. The proposed purchase price in the Asset Sale Agreement of \$1.6 million dollars is nearly three times the 2007 PSC approved value for the utility.
3. The collection system for this utility requires investment to rehabilitate the lift stations and the collection systems. Rehabilitation of the three oldest lift stations in Fountain Lakes and repairs of the vitrified clay piping systems, added to the contracted purchase price of \$1.6 million and the rehab of the plant, will result in an asset base that will generate the highest wastewater rates in Lee and Collier County if Aqua is allowed to earn on their investment. This is not in the best interest of anybody but Aqua Utilities.

4. The plant is a continuous source of odors for the community. Either it does not have capacity to completely digest the sewage before stabilization or the plant is being run improperly or the plant needs some other costly upgrades to correct the odor problem. These odors are so bad at times that the residents in proximity of the plant are effectively restricted to their homes and cannot even open their windows without fear of polluting their homes.
 5. The ingress/egress of the sludge hauling trucks runs through our community and this traffic is not compatible with the residential nature of the community.
 6. Aqua Utilities started out charging higher rates than permitted by their tariff and did not change until members of the community complained to the PSC. Complaints to Aqua customer service were greeted with indifference at best.
 7. Aqua Utilities customer service is terrible. Late fees seem to be a part of their business strategy. Bills mailed five days in advance have resulted in late fees and customer service advised customers that they should allow two weeks or mail their monthly bill via registered mail. No relief from late fees was provided to residents who have complained.
 8. Aqua utilities is also proposing to purchase the community irrigation system. Since they have taken over the system, the service has been worse than anybody can remember and the response to complaints practically non-existent. This community wide irrigation system, which pulls water from the lakes maintained by the community, should not be a for profit enterprise for a billion dollar utility.
 9. There have been multiple sewer spills resulting in sewage running down our streets and into our lakes since Aqua has taken over the system but there has been no discernable effort to fix the problem and clean-ups have been marginal at best. Lime has been sparsely applied in areas at times but little or no effort made to wash down and properly sanitize the spill areas has been made by Aqua Utilities and/or their hired operator. Aqua has not communicated with the neighborhood as to how they should protect themselves when this happens. No signs posted, no info sent in the bills, no educational info posted on the community bulletin boards, nothing.
 10. Aqua Utilities seems to consistently file for higher rates for all of their Florida Utilities on an annual basis. When denied, it appears that they just re-file at the next available cycle. This community does not want to have to fight higher rates every year until they get their way.
 11. The Fountain Lakes HOA has tried multiple times to purchase the system at a reasonable price in order to retire it and have been rebuffed each time by the former owner who developed the community due to his high asking price. Only Aqua Utilities is willing to pay such a high price for such an old system with so many problems.
-

12. The Bonita Springs Utilities plant is a state of the art plant with excess capacity that produces re-use quality effluent. This would result in the resource not going to waste and probably a higher quality sludge that would also aid the environment.

13. Fountain Lakes, together with Marsh Landing, is willing to explore the creation of an MSTBU to purchase and retire the plant if it was available at a reasonable price. It is in the best interest of the customers of this utility, the environment of Lee County, and the residents of Fountain Lakes to eliminate this source of irritation and pollution.

14. Lee County commissioners have stated numerous times that it is their objective to eliminate package plants in Lee County when it is practical to do so. It is practical to do so in this case and Commissioner Ray Judah has expressed his support for the elimination of the plant.

15. Aqua Utilities has provided no evidence of having done the proper due diligence to justify such a high price for such an old utility in such disrepair. At a minimum, one would expect that a Phase 1 environmental report, and probably a Phase 2, as well as some video taping of the vitrified clay portions of the sewer system would be completed.

16. The application has some inconsistent information and some blank, unsigned documents. The contracted purchase price is \$1.6 million (paragraph 1.6, Asset Sale Agreement) but the funds provided to purchase according to Exhibit "G" are \$522,000. Lee County tax collector website reflects a sale price of \$756,800.

17. Aqua completed the legal transfer of the asset prior to receiving approval from the PSC as though approval was a mere formality. The customers were notified that it was a done deal and only the due diligence of some members of the community have uncovered the reality that the PSC must approve this transfer. The manner in which it has been handled does not give members of this community that Aqua Utilities has their best interests at heart.

For all of the above reasons, we would respectfully request that the PSC deny the transfer of this utility to Aqua Utilities.

Sincerely,



Joseph & Cindy Coccia
22745 Caroline Dr.
Estero, FL 33928

090056

To The Director of the
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, Florida 32399

RECEIVED--FPSC

Feb. 23, 2009

09 FEB 25 AM 9:45

COMMISSION
CLERK

From Sharlene Dickinson
23188 Grassy Pine Drive
Marsh Landing Development
Estero, Florida 33298

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 01467-09
DISTRIBUTION: ECR GCL

Dear Director,

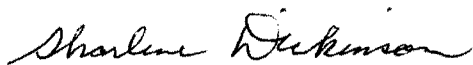
This letter is in regards to the proposed Aqua Utilities Florida purchase of Fountain Lakes Sewer Plant. I understand that a contract to Fountain Lakes Sewer Corp. has gone to the state for approval. I want to notify you that I do not approve of this sale to anyone. The plant has had several spills and leakage problems since I purchased my home in 2001. This antiquated system should be retired, not sold to anyone to have them try to get it up to 2009 standards. There is too much wrong with it to get it up to modern sanitary conditions.

I have personally been told by people who live in Fountain Lakes Community that it is terrible to live there at the times when the sewage smell overwhelms them. Or the sewage backs up into their homes, or spills into the area.

Just this past week, we had a problem within Marsh Landing on my street with the sewer backing up and leaking out of the manhole covers. The contaminated water ran down the street into our drains that go into our ponds and their clean up process was to dump lime on top of the drain grids. We have had no rain since to even wash it into the drains.

Please close this facility and let us all be much healthier and safer in our communities. I am sure that Bonita Springs would accept us since they have up graded their sewage plant and have plenty of room for us or so I am told. Thank you for your efforts to keep us safe.

Respectfully submitted,



Sharlene Dickinson

090054

RECEIVED--FPSC

09 FEB 25 AM 9:43

09 FEB 25 11:17:25

February 23, 2009

COMMISSION
CLERK

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

FPSC, CLK - CORRESPONDENCE

Administrative Parties Consumer

DOCUMENT NO. 0447-09

DISTRIBUTION: ECR GLL

090056-Su

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on behalf of the undersigned residents of Fountain Lakes. Our reasons for objection to the transfer are enumerated below for your thoughtful consideration.

1. The utility plant is nearing the end of its useful life cycle and should be retired. The package plant was permitted when there was no other option for central sewer in the area and that situation has changed. Bonita Springs Utilities has pipes in the area and the board of BSU, and their general manager, have verified that they are willing to accept the flow from Fountain Lakes and Marsh Landing. Investing more resources into rehabilitating a old package plant that sits on the edge of a wetland that feeds into a water body of special concern, Estero Bay, is not in the best interest of the customers of this utility or Lee County or the health of Halfway Creek or Estero River or Estero Bay.

2. The proposed purchase price in the Asset Sale Agreement of \$1.6 million dollars is nearly three times the 2007 PSC approved value for the utility.

3. The collection system for this utility requires investment to rehabilitate the lift stations and the collection systems. Rehabilitation of the three oldest lift stations in Fountain Lakes and repairs of the vitrified clay piping systems, added to the contracted purchase price of \$1.6 million and the rehab of the plant, will result in an asset base that will generate the highest wastewater rates in Lee and Collier County if Aqua is allowed to earn on their investment. This is not in the best interest of anybody but Aqua Utilities.

4. The plant is a continuous source of odors for the community. Either it does not have capacity to completely digest the sewage before stabilization or the plant is being run improperly or the plant needs some other costly upgrades to correct the odor problem.

These odors are so bad at times that the residents in proximity of the plant are effectively restricted to their homes and cannot even open their windows without fear of polluting their homes.

5. The ingress/egress of the sludge hauling trucks runs through our community and this traffic is not compatible with the residential nature of the community.

6. Aqua Utilities started out charging higher rates than permitted by their tariff and did not change until members of the community complained to the PSC. Complaints to Aqua customer service were greeted with indifference at best.

7. Aqua Utilities customer service is terrible. Late fees seem to be a part of their business strategy. Bills mailed five days in advance have resulted in late fees and customer service advised customers that they should allow two weeks or mail their monthly bill via registered mail. No relief from late fees was provided to residents who have complained.

8. Aqua utilities is also proposing to purchase the community irrigation system. Since they have taken over the system, the service has been worse than anybody can remember and the response to complaints practically non-existent. This community wide irrigation system, which pulls water from the lakes maintained by the community, should not be a for profit enterprise for a billion dollar utility.

9. There have been multiple sewer spills resulting in sewage running down our streets and into our lakes since Aqua has taken over the system but there has been no discernable effort to fix the problem and clean-ups have been marginal at best. Lime has been sparsely applied in areas at times but little or no effort made to wash down and properly sanitize the spill areas has been made by Aqua Utilities and/or their hired operator. Aqua has not communicated with the neighborhood as to how they should protect themselves when this happens. No signs posted, no info sent in the bills, no educational info posted on the community bulletin boards, nothing.

10. Aqua Utilities seems to consistently file for higher rates for all of their Florida Utilities on an annual basis. When denied, it appears that they just re-file at the next available cycle. This community does not want to have to fight higher rates every year until they get their way.

11. The Fountain Lakes HOA has tried multiple times to purchase the system at a reasonable price in order to retire it and have been rebuffed each time by the former owner who developed the community due to his high asking price. Only Aqua Utilities is willing to pay such a high price for such an old system with so many problems.

12. The Bonita Springs Utilities plant is a state of the art plant with excess capacity that produces re-use quality effluent. This would result in the resource not going to waste and probably a higher quality sludge that would also aid the environment.

13. Fountain Lakes, together with Marsh Landing, is willing to explore the creation of an MSTBU to purchase and retire the plant if it was available at a reasonable price. It is in the best interest of the customers of this utility, the environment of Lee County, and the residents of Fountain Lakes to eliminate this source of irritation and pollution.

14. Lee County commissioners have stated numerous times that it is their objective to eliminate package plants in Lee County when it is practical to do so. It is practical to do so in this case and Commissioner Ray Judah has expressed his support for the elimination of the plant.


15. Aqua Utilities has provided no evidence of having done the proper due diligence to justify such a high price for such an old utility in such disrepair. At a minimum, one would expect that a Phase 1 environmental report, and probably a Phase 2, as well as some video taping of the vitrified clay portions of the sewer system would be completed.

16. The application has some inconsistent information and some blank, unsigned documents. The contracted purchase price is \$1.6 million (paragraph 1.6, Asset Sale Agreement) but the funds provided to purchase according to Exhibit "G" are \$522,000. Lee County tax collector website reflects a sale price of \$756,800.

17. Aqua completed the legal transfer of the asset prior to receiving approval from the PSC as though approval was a mere formality. The customers were notified that it was a done deal and only the due diligence of some members of the community have uncovered the reality that the PSC must approve this transfer. The manner in which it has been handled does not give members of this community that Aqua Utilities has their best interests at heart.

For all of the above reasons, we would respectfully request that the PSC deny the transfer of this utility to Aqua Utilities.

Sincerely,

Name	Signature	Address
Dr. Kenneth R. Wisen		3717 Stoneway Esteros, Florida 33928
Des. Timberlake Homeowners Assoc.		



090054

RECEIVED-FPSC

09 FEB 25 AM 9:42

COMMISSION CLERK

RECEIVED
09 FEB 25 AM 7:25

February 21, 2009

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 01467-09
DISTRIBUTION: ECR GCL

090056-Su

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. my wife and me.

We purchased our single family home in Marsh landing, 23174 Shady Oaks Lane, Estero, FL 33928 in 2001 and have noticed ongoing problems with the sewer facility that we in good faith believe strongly affect the health, safety, and welfare of the people living in our community.

As I believe you are aware, the utility was established when there was no other alternative for central sewer service. The existing plant at Fountain Lakes is over 20 years old and is at or near the end of its useful life and should be retired. The existing plant sits on the edge of a wetland that flows into the Estero River and then Estero Bay. Estero Bay is recognized by South Florida Water Management District as an impaired water body that receives excess nutrients. Removing the sewer plant would result in a significant reduction of nutrient loading.

The plant has not been well maintained and is continuous source of odor problems. It appears that the plant has insufficient digester space which results in significant microbial die-off during the stabilization process prior to removal of sludge. This would explain the odor problems that are experienced with regularity.

The collection system, especially the older parts made out of vitrified clay pipe, has serious infiltration issues and structural problems from what I have been told by friends that work at sewer viewer who have been out to check the system when there were blockages. The plant has had multiple problems over the years with the DEP for too

many connections and flows beyond permitted capacity. None of this is reflected in the application for transfer.

We have had several spills over the years which continue to just a few days ago. We and many others ride our bikes or walk along these areas and some neighborhood children play at or around these areas where spills occur. This is happening in multiple areas of the community. Although I am not an expert, it appears the spills are continuing due to overcapacity and due to nobody ever cleaning the collection system and/or rehabilitating the lift stations that are past due for rehab. The clean-up effort has been minimal with just light dusting of lime over some of the affected areas.

Due to the fact that there is now more than enough capacity at the new state of the art Bonita Springs Utilities plant to handle the flows from Fountain Lakes and Marsh Landing it would appear that the continued operation of the Fountain Lakes package plant is unnecessary and that the citizens in these communities will be better served by connecting to the existing central sewer. Upgrading the plant would require substantial capital investment on top of the premium price Aqua is paying for the system. This will no doubt push our rates much higher than surrounding utilities.

On behalf of my wife and I, as well as my sister and brother in law [Marsh Landing residents] our niece & her family in Fountain Lakes, other close friends and residents, we kindly request that you please strongly consider these points and deliberate on these matters at length and come to the conclusion that the proposed purchase of this plant is clearly against the public health, safety and welfare of the citizens in these communities. Thank you very much for your consideration of this matter.

Sincerely,
William & Joanne Davis

William Davis

Joanne Davis

D **Mrs. Joanne Davis**
23175 Shady Oak Ln
Estero, FL 33928

090054

09 FEB 25 11:28

RECEIVED-FPSC

09 FEB 25 AM 9:38

COMMISSION CLERK

February 18, 2009

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

FPSC, CLK - CORRESPONDENCE
Administrative Parties ~~Consumer~~
DOCUMENT NO. 01467-09
DISTRIBUTION: FOR ALL

090056-SU

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on my behalf..

I purchased our single family home in Marsh Landing, 23132 Grassy Pine Drive, Estero, FL 33928 in 2000 and have noticed on going problems with the sewer facility that I in good faith believe strongly affect the health, safety, and welfare of the people living in our community.

As I believe you are aware, the utility was established when there was no other alternative for central sewer service. The existing plant at Fountain Lakes is over 20 years old and is at or near the end of its useful life and should be retired. The existing plant sits on the edge of a wetland that flows into the Estero River and then Estero Bay. Estero Bay is recognized by South Florida Water Management District as an impaired water body that receives excess nutrients. Removing the sewer plant would result in a significant reduction of nutrient loading.

The plant has not been well maintained and is continuous source of odor problems. It appears that the plant has insufficient digester space which results in significant microbial die-off during the stabilization process prior to removal of sludge. This would explain the odor problems that are experienced with regularity.

The collection system, especially the older parts made out of vitrified clay pipe, has serious infiltration issues and structural problems from what I have been told by friends that work at sewer viewer who have been out to check the system when there were blockages. The plant has had multiple problems over the years with the DEP for too many connections and flows beyond permitted capacity. None of this is reflected in the application for transfer.

We have had several spills over the years which continue to just a few days ago.. This is happening in multiple areas of the community. Although I am not an expert, it appears the spills are continuing due to overcapacity and due to nobody ever cleaning the collection system and/or rehabilitating the lift stations that are past due for rehab. The clean-up effort has been minimal with just light dusting of lime over some of the affected areas.

Due to the fact that there is now more than enough capacity at the new state of the art Bonita Springs Utilities plant to handle the flows from Fountain Lakes and Marsh Landing it would appear that the continued operation of the Fountain Lakes package plant is unnecessary and that the citizens in these communities will be better served by connecting to the existing central sewer. Upgrading the plant would require substantial capital investment on top of the premium price Aqua is paying for the system. This will no doubt push our rates much higher than surrounding utilities.

I kindly request that you please strongly consider these points and hope you deliberate on these matters at length and come to the conclusion that the proposed purchase of this plant is clearly against the public health, safety and welfare of the citizens in these communities. Thank you very much for your consideration of this matter.

Sincerely,





P. A. Meldon
23132 Grassy Pine Dr.
Estero, FL 33928

090054

09 FEB 25 11:07:25

090056-Su

February 18, 2009

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 01467-09
DISTRIBUTION: ECR GCL

RECEIVED-FPSC
09 FEB 25 AM 9:38
COMMISSION
CLERK

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain
Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc.

We purchased our single family home in Marsh Landing, 23128 Grassy Pine Drive,
Estero, FL 33928 in 2001 and have noticed ongoing problems with the sewer facility that
I in good faith believe strongly affect the health, safety, and welfare of the people living
in our community.

As I believe you are aware, the utility was established when there was no other alternative
for central sewer service. The existing plant at Fountain Lakes is over 20 years old and is
at or near the end of its useful life and should be retired. The existing plant sits on the
edge of a wetland that flows into the Estero River and then Estero Bay. Estero Bay is
recognized by South Florida Water Management District as an impaired water body that
receives excess nutrients. Removing the sewer plant would result in a significant
reduction of nutrient loading.

The plant has not been well maintained and is continuous source of odor problems. It
appears that the plant has insufficient digester space which results in significant microbial
die-off during the stabilization process prior to removal of sludge. This would explain the
odor problems that are experienced with regularity.

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serious infiltration issues and structural problems from what I have been told by friends
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application for transfer.

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I kindly request that you please strongly consider these points and hope you deliberate on these matters at length and come to the conclusion that the proposed purchase of this plant is clearly against the public health, safety and welfare of the citizens in these communities. Thank you very much for your consideration of this matter.

Sincerely,

Barbara Faetich
B. Faetich

Robert & Barbara Faetich
23128 Messy Pine Dr.
Estero, FL 33928

090054

09 FEB 25 10:17:28

SUZANNE FAULK-WALTER
22902 Forest Ridge Dr
Estero, FL 33928

February 20, 2009

090056-S4

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

FPSC, CLK - CORRESPONDENCE
Administrative Parties ~~Consumer~~
DOCUMENT NO. 01467-09
DISTRIBUTION: FCRGCL

RECEIVED-FPSC
09 FEB 25 AM 9:36
COMMISSION
CLERK

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on behalf of my wife and three children.

I purchased our single family home in Marsh Landing, 22902 Forest Ridge Drive, Estero, FL 33928 in 1999 and have noticed ongoing problems with the sewer facility that I in good faith believe strongly affect the health, safety, and welfare of the people living in our community.

As I believe you are aware, the utility was established when there was no other alternative for central sewer service. The existing plant at Fountain Lakes is over 20 years old and is at or near the end of its useful life and should be retired. The existing plant sits on the edge of a wetland that flows into the Estero River and then Estero Bay. Estero Bay is recognized by South Florida Water Management District as an impaired water body that receives excess nutrients. Removing the sewer plant would result in a significant reduction of nutrient loading.

The plant has not been well maintained and is continuous source of odor problems. It appears that the plant has insufficient digester space which results in significant microbial die-off during the stabilization process prior to removal of sludge. This would explain the odor problems that are experienced with regularity.

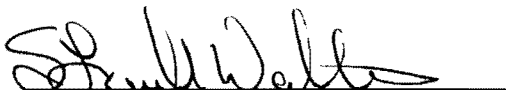
The collection system, especially the older parts made out of vitrified clay pipe, has serious infiltration issues and structural problems from what I have been told by friends that work at sewer viewer who have been out to check the system when there were blockages. The plant has had multiple problems over the years with the DEP for too many connections and flows beyond permitted capacity. None of this is reflected in the application for transfer.

We have had several spills over the years which continue to just a few days ago. My son and dog and many others ride their bikes along these areas and some play at or around these areas where spills occur. This is happening in multiple areas of the community. Although I am not an expert, it appears the spills are continuing due to overcapacity and due to nobody ever cleaning the collection system and/or rehabilitating the lift stations that are past due for rehab. The clean-up effort has been minimal with just light dusting of lime over some of the affected areas. This happened again just last week.

Due to the fact that there is now more than enough capacity at the new state of the art Bonita Springs Utilities plant to handle the flows from Fountain Lakes and Marsh Landing it would appear that the continued operation of the Fountain Lakes package plant is unnecessary and that the citizens in these communities will be better served by connecting to the existing central sewer. Upgrading the plant would require substantial capital investment on top of the premium price Aqua is paying for the system. This will no doubt push our rates much higher than surrounding utilities.

On behalf of my family other friends and residents, I kindly request that you please strongly consider these points and hope you deliberate on these matters at length and come to the conclusion that the proposed purchase of this plant is clearly against the public health, safety and welfare of the citizens in these communities. Thank you very much for your consideration of this matter.

Sincerely,


Suzanne Faulk Walter

090056

RECEIVED--FPSC
09 FEB 25 AM 9:36

09 FEB 25 11:28

February 21, 2009
Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

COMMISSION
CLERK

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

FPSC, CLK - CORRESPONDENCE
Administrative Parties & Consumer
DOCUMENT NO. 01467-09
DISTRIBUTION: ECR GCL

090056-SU

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility
from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc.

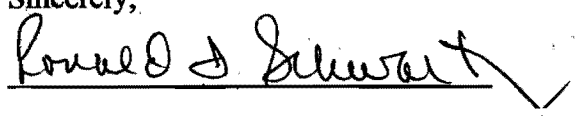
We purchased our single family home in Marsh Landing, 22950 Forest Ridge Dr., Estero, FL 33928 in 1998. We have noticed ongoing problems with the sewer facility since we moved into our home that we believe strongly affect the health, safety, and welfare of the people living in our community.


The plant has not been well maintained and is continuous source of noise and odor problems. It appears that the plant has insufficient digester space which results in significant microbial die-off during the stabilization process prior to removal of sludge. This would explain the odor problems that are experienced with regularity.

Due to the fact that there is now more than enough capacity at the new state of the art Bonita Springs Utilities plant to handle the flows from Fountain Lakes and Marsh Landing it would appear that the continued operation of the Fountain Lakes package plant is unnecessary and that the citizens in these communities will be better served by connecting to the existing central sewer. Upgrading the plant would require substantial capital investment on top of the premium price Aqua is paying for the system. This will no doubt push our rates much higher than surrounding utilities.

On behalf of my wife and neighbors, I kindly request that you please strongly consider these points and come to the conclusion that the proposed purchase of this plant is clearly against the public health, safety and welfare of the citizens in these communities. Thank you very much for your consideration of this matter.

Sincerely,



 **Mr. Ron Schwartz**
22950 Forest Ridge Drive
Estero, FL 33928-4327



090056

RECEIVED-FPSC

February 22, 2009

09 FEB 25 AM 9:36

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, Florida 32399-0850

COMMISSION
CLERK

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 01467-09
DISTRIBUTION: ECR GCL

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, Florida 32314-5256

090056-5U

Re: Transfer of Fountain Lakes Sewer Corp, to Aqua Utilities Florida Inc.

Dear Sirs,

My wife and I are residents of Marsh Landing community in Estero, Florida. We oppose the transfer of Fountain Lakes Sewer Corp. to Aqua Utilities Florida.

The existing 20 year old plant at Fountain Lakes is near the end of it's life cycle. It has manifested sufficient problems (ie: odors, location that damages wetland, inadequate maintenance) to make this transfer an unsound and costly proposition for those of us who will be affected.

It has also come to our attention that this may be an ongoing modus operandi for Aqua Utilities. Purchase something that is insufficient to meet the demands of the customers and service, renovate and then pass the costs of the renovation on to the customers.

We have a new, modern facility in the Bonita Springs Utilities that can handle the flows from our community and our neighboring community of Fountain Lakes. This makes better financial and environmental sense.

We hope you will take our objections and those of our neighbors into serious consideration.

Sincerely,

Peter and Mary Swet

*Swet
23208 Marsh Landing Blvd
Estero Fl. 33523*

090054

RECEIVED-FPSC

09 FEB 25 AM 9: 35



Bonnie L. Olson
23187 Marsh Landing Blvd
Estero, FL 33928

09 FEB 25 11 7: 22

COMMISSION
CLERK

February 20, 2009

Director
Office of Commission Clerk
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

FPSC, CLK - CORRESPONDENCE
Administrative Parties ~~Consumer~~
DOCUMENT NO. 04467-09
DISTRIBUTION: ECR, GUL

096056-SU

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

RE: Aqua Utilities Florida, Inc. transfer of water/wastewater facility from Fountain Lakes Sewer Corp.

Dear Director & Mr. Twomey,

Please allow this to serve as a formal objection to the proposed purchase of the Fountain Lakes Sewer Corp. sewer wastewater facility by Aqua Utilities Florida, Inc. on behalf of my husband and myself.

We purchased our single family home in Marsh Landing, 23187 Marsh Landing Blvd, in 2002 and have noticed ongoing problems with the sewer facility at Fountain Lakes, that I in truly believe strongly affect the health, safety, and welfare of the people living in our community. Since both my husband and I are cancer survivors we are very cautious of our environment. Through research we understand there is now more than enough capacity at the new state of the art Bonita Springs Utility (BSU) Plant to handle the flows from Fountain Lakes and Marsh Landing, which would be much more beneficial to our communities. It appears this plant may be seriously underutilized. I feel sure that BSU could benefit from the additional revenue of 1000 plus customers.

The Fountain Lakes Sewer Corp. was established when there was no other alternative for central sewer services for the two communities it serves. The existing plant at Fountain Lakes is over 20 years old and is at or near the end of its useful life and should be retired. The existing plant sits on the edge of a wetland that flows into the Estero River and then Estero Bay. Estero Bay is recognized by South Florida Water Management District as an impaired water body that receives excess nutrients. Removing the sewer plant would result in a significant reduction of nutrient loading. The plant has not been well maintained and is a continuous source of odor problems. It appears that the plant has insufficient digester space which results in significant microbial die-off during the stabilization process prior to removal of sludge. This would explain the odor problems that are experienced with regularity that many have complained about.

Further research and discussion with people who work at other sewer plants inform us that the older parts made out of clay pipe, has serious infiltration issues and structural problems which has led to, documented blockages. The plant has had multiple problems over the years with the DEP for too many connections and flows beyond permitted capacity. None of this is reflected in the application for transfer. My friends in Fountain Lakes tell me they have had several spills over the years which continue to just a few days ago. Are these spills continuing due to overcapacity and due to nobody ever cleaning the collection system and/or rehabilitating the lift stations that are past due for rehab? The clean-up effort has been minimal with just light dusting of lime over some of the affected areas. \

All of this makes me wonder, why in this economic environment would Aqua Utilities, pay \$1,600,000, for the Fountain Lakes Utility when the 2007 annual report approved by the PSC shows the utility valued at \$550,000 and, Lee County tax appraiser shows a sale price of \$756,000.

After making inquires about Aqua utilities we also have found they start out overcharging customers and did not correct those overcharges until customer complaints were filed with PSC. Other complaints regarding Aqua has charged customers late fees even when bills were mailed five full days before the due dates. When questioned customers were not provided adequate customer service.

I taken the time to write you today to request that you please strongly consider these points and hope you deliberate on these matters at length and come to the only conclusion that the proposed purchase of this plant is clearly against the public health, safety and welfare of the citizens in these communities. We are counting on you to make the right decision as if you lived in one of these communities. Thank you very much for your consideration of this matter.

Sincerely,

Bonnie & Don Olson

RECEIVED-FPSC

09 FEB 23 AM 9:18

COMMISSION
CLERK

CONSUMER

Date: February 21, 2009

To: Ms. Ann Cole, Director
Commission Clerk + Administrative
Services
Florida Public Service Commission
1540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

From:

Patrick D. + Mary Ann MORRONEY
22445 Fountain Lakes Blvd.
Estero, FL 33928-2325

Re: Docket No. 090056-SU, Application
for approval of transfer of wastewater
System of Fountain Lakes Sewer Corporation,
holder of Certificate 442-S, to Aqua
Utilities Florida, Inc., holder of Certificate
2688, and for amendment of Certificate
258-S, in Lee County, by Aqua Utilities
Florida, Inc.

- We have many concerns: even though
as homeowners we are not utility
companies, we are certain there are
more efficiently safer methods of sewage
handling & irrigation which would be
less detrimental to our environment and
could make better utilization of Bonita
Springs Utility facility which has excess capacity.

FPSC-COMMISSION CLERK

01467 FEB 23 8

DOCUMENT NUMBER-DATE

- The Fountain Lakes existing plant is 20+ years old. It is at or near the end of its useful life & should be retired.
- The existing plant @ Fountain Lakes sits on the edge of a wetland that flows into the Estero River & Estero Bay. South Florida Water Management District recognizes that Estero Bay is an impaired water body as it receives excess nutrients. Removing the sewer plant would reduce the nutrient loading significantly.
- Bonita Springs Utility ^(BSU) produces re-use while the existing plant @ Fountain Lakes does not. Transferring to BSU would conserve the resource. Aqua indicates in their filing that they may convert the plant (20+ years old) to reuse. This would require a large investment that they would want to recover by raising rates.
- Sludge-hauling trucks ingress/egress thru Fountain Lakes neighborhood would

Page 3

be eliminated if Fountain Lakes + Marsh Landing Communities hooked up to BSU.

- The collection system, as is, especially the older parts made out of vitrified clay pipe, has serious infiltration issues + structural problems as evidenced by the continual back-up problems.
- Fountain Lakes plant has had multiple problems over the years with the DEP for too many connections and flows beyond permitted capacity. None of this is reflected in the application for transfer. Somebody needs to provide this documentation to the PSC.

We are sure there are other technical considerations that those in the utility business are far better equipped to address. We ask the PSC give some help to our concerns while considering the application from Agua.

Patricia Moroney

Sincerely
MaryAnn Moroney