## **Diamond Williams**

110061-WS

From:

Kelly Sullivan [KSullivan@deanmead.com]

Sent:

Thursday, March 31, 2011 2:36 PM

To:

Filings@psc.state.fl.us

Subject:

Notice of Objection Docket 110061-WS

Attachments: Notice of Objection PSC Docket 110061-WS Filed (O0588891).PDF

a. This filing is made by:

Kelly Sullivan - Attorney at Law

Dean, Mead, et al

800 N. Magnolia Ave., Suite 1500, Orlando, FL 32803

Phone: (407) 428-5116

Email: ksullivan@deanmead.com

b. Docket 110061-WS

In re: Application for Authority to Transfer the Assets of Service Management Systems, Inc., and Certificate Nos. 517-W and 450-S to Aquarina Utilities, Inc. in Brevard County, Florida.

c. Filed on behalf of:

Aquarina Community Services Association, Inc. 450 Aquarina Boulevard Melbourne Beach, FL 32951

d. Attached hereto is a Notice of Objection to the Transfer which is the subject of Docket 110061-W5. There are 4 pages.

Thank you, Kelly Sullivan



Kelly Sullivan Attorney at Law

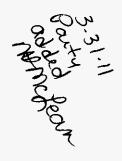
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DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

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#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Authority to Transfer the Assets of Service Management Systems, Inc., and Certificate Nos. 517-W and 450-S to Aquarina Utilities, Inc. in Brevard County, Florida

DOCKET NO.: 110061-WS

FILED: March 31, 2011

# Notice of Objection

Pursuant to section 367.045(3), Florida Statutes, Aquarina Community Services Association, Inc., through its undersigned attorney, hereby files a Notice of Objection in the above-captioned docket. In support thereof, the petitioner states as follows:

1. Name and address of the affected agency:

Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

2. Name and address of the petitioner:

Aquarina Community Services Association, Inc. 450 Aquarina Boulevard Melbourne Beach, FL 32951

3. <u>Service</u>. The name and address of the person authorized to receive notices and communications in respect to this Application is:

Kelly Sullivan - Attorney at Law

Dean, Mead, et al

800 N. Magnolia Ave., Suite 1500, Orlando, FL 32803

Phone: (407) 428-5116

Email: ksullivan@deanmead.com

02106 MAR 31 =

- 4. <u>Notice of Docket</u>. Petitioner received notice of this docket from Aquarina Utilities, Inc., and from reviewing the above-captioned docket on the Florida Public Service Commission (FPSC) website.
- Statement of Substantial Interests. Petitioner is the homeowner's association for the Aquarina community which was served by Service Management Systems, Inc. and receives water and wastewater service at the above-listed address. The Service Management Systems, Inc. water and wastewater bill constitutes a significant portion of the petitioner's monthly expenses. The petitioner has a substantial interest in the above-captioned docket as Commission approval of the transfer will impact petitioner's ability to perform its duties to the community. Based upon the above, petitioner, through its undersigned attorney, hereby files a Petition to Intervene in the above-captioned docket to protect its substantial interests and due process rights in the proceeding.
- 6. <u>Standing</u>. Petitioner is a customer of Service Management Systems, Inc., and receives water and wastewater service at the above-listed address. The petitioner has a substantial interest in the above-captioned docket as Commission approval of the transfer will impact its ability to perform its duties to the community. Accordingly, the proceeding in the above-captioned docket directly coincides with the substantial interests of the petitioner to ensure the community is served by a utility with rates that are fair, just, and reasonable.
- 7. <u>Objection</u>. Petitioner hereby provides Notice of Objection as required by section 367.071, Florida Statutes in the above-captioned docket on the basis set forth in Paragraphs 1-6 above.

WHEREFORE, the petitioner respectfully requests the Commission to enter petitioner's name as an interested party in the above-captioned docket.

s/ Kelly Sullivan
Kelly Sullivan - Attorney at Law
Attorney for Petitioner
Florida Bar No. 814024
800 N. Magnolia Ave.
Orlando, FL 32803
Phone: (407) 428-5116

Email: ksullivan@deanmead.com

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following via Electronic Mail this 31st day of March, 2011 to all parties of record as indicated below.

s/ Kelly Sullivan
Kelly Sullivan - Attorney at Law
Attorney for Petitioner
Florida Bar No. 814024
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# Service Management Systems, Inc.

Mr. Dennis Basile, Receiver

826 Creel Street

Melbourne, FL 32935-5992 Phone: (321) 751-1200 FAX: (321) 427-9560

Email: dennis@dbasile.com