



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

RECEIVED FFSC
00 NOV 14 AM 10:58
RECORDS AND
REPORTING

DATE: November 14, 2000
TO: Division of Records and Reporting
FROM: Division of Legal Services (Van Leuven) *DTV*
RE: Docket No. 000277-WS - Application for transfer of facilities and Certificates Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. d/b/a FFEC-Six to North Fort Myers Utility, Inc., holder of Certificate No. 247-S; amendment of Certificate No. 247-S; and cancellation of Certificate No. 309-S.

Please file the attached Petition for Leave to Intervene dated October 25, 2000, in the docket file for the above-referenced docket.

DTV/dm

cc: Division of Regulatory Oversight (Johnson, Redemann)

E:000277fm2 dev

- APP _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- LEG _____
- OPC _____
- PAI _____
- RGO _____
- SEC _____
- SER _____
- OTH _____

Done 11/17/00

DOCUMENT NUMBER-DATE

650 NOV 14 00

FFSC-RECORDS/REPORTING

In re: Application for Authority)
to Transfer the Facilities of)
MHC SYSTEMS, INC. and)
Certificate Nos. 353-W and 309-S)
in Lee County, Florida to)
NORTH FORT MYERS UTILITY, INC.)
_____)

DOCKET NO. 000277-WS
FILED:

PETITION FOR LEAVE TO INTERVENE

Pursuant to Commission Rules 25-22.036 and 25-22.039 and Uniform Rule 28-106.201, Florida Administrative Code, Leon J. Beekman, individually and on behalf of the Pine Lakes Estates Homeowners' Association ("Association"), petitions the Commission for leave to intervene in the above docket and states:

1. Name and address of the agency affected and the Docket No. of the case:

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

Docket No. 000277-WS

OCT 30 2000

2. Name and address of the petitioner:

Leon J. Beekman
Pine Lakes Estates Homeowners' Association
19799 Frenchman's Court
North Fort Myers, Florida 33903

3. The Petitioner and all members of the Association are customers of MHC Systems, Inc. d/b/a FFEC-SIX ("Utility"), the proposed transferor of the subject water and wastewater systems. The Petitioner's and members of the Association's substantial interests will be affected by the Commission's decision in this docket because the transfer, if it is approved, could affect both the quality and ultimately the cost of water and wastewater service for Mr. Beekman and the members of the Association.

4. On March 7, 2000 Petitioner received a letter from the Utility, that provided notice of the Utility's intent to transfer its facilities to North Fort Myers Utility ("NFMU").

5. The disputed issues of material fact alleged by the Petitioner:
 - a. Is NFMU financially capable of providing quality service to the Petitioner?
 - b. Does NFMU possess the requisite expertise and experience to provide water service to the Petitioner?
 - c. Will NFMU's takeover of the subject water and wastewater systems subject the Petitioner and members of the Association to undesirable terms, conditions or additional costs when and if NFMU sells its entire system to Lee County?
 - d. Is it in the public interest for the proposed transfer to be approved?
6. Petitioner can not state at this time the ultimate facts alleged, including specific facts which warrant the Commission's denial of the requested transfer. Petitioner shall provide these ultimate facts after the results of discovery are received. The Petitioner's Prehearing Statement will include these ultimate facts, if they are not provided sooner.
7. The specific rules or statutes which require the Commission to deny the proposed transfer:
 - a. Chapter 367.045, Florida Statutes
 - b. Chapter 367.071, Florida Statutes
 - c. Commission Rule 25-30.037, Florida Administrative Code.
8. Based upon the Petitioner's understanding of this case at this time, the Petitioner requests the Commission to deny the Utility's application for authority to transfer its water and wastewater facilities to NFMU.

Respectfully submitted,



Leon J. Beekman, President

Pine Lakes Estates Homeowners' Association

CERTIFICATE OF SERVICE
DOCKET NO. 111277-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Leave to Intervene was forwarded via U.S. Mail this 25TH day of October, 2000 to:

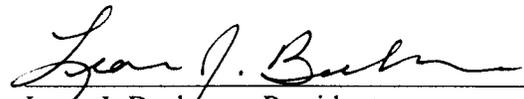
Tyler Van Leuven, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301

Jermaine Troiano, President
Pine Lakes Homeowners' Association II
19419 Saddlebrook Court
North Fort Myers, FL 33903

Kathryn Cowdery, Attorney at Law
Ruden, McCloskey, Smith, et al
215 South Monroe Street, Suite 815
Tallahassee, FL 32301

Mr. Alexander William Varga
19808 Frenchman's Court
North Fort Myers, FL 33903



Leon J. Beekman, President
Pine Lakes Estates Homeowners' Association

Leon J. Beekman
19799 Frenchman's Court
North Fort Myers, FL 33903



Tyler Van Leuven, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32309

