

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 930944-WS Date Docketed: 09/22/93 Title: Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S issued to SHADY OAKS MOBILE-MODULAR ESTATES, INC. in Pasco County, pursuant to Section 367.111(1), F.S.

Company: Shady Oaks Mobile-Modular Estates, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: ADM AFA APP CAF CMU EAG GCL (LEG) RAR RRR WAW
 ("()") indicates OPR) _____ _____ _____ _____ _____ _____ _____ X _____ _____ X

Section 2 - OPR Completes and returns to RAR in 10 workdays. Time Schedule

Program/Module B1(f)

Staff Assignments

OPR Staff

Staff Counsel

OCRs ()

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Warning: This schedule is tentative and subject to revision

Current CASR revision level	Due Dates	
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Recommended assignments for hearing and/or deciding this case:

Full Commission _____ Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: _____

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	DS		CL	LA	JN		

- Prehearing Officer

Commissioners					ADM
DS		CL	LA	JN	

DOCUMENT NO.
 1366504

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: ____/____/____

C. Scheduling/Rescheduling Advice

October 28, 1993 8:37am

To: <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Laredo <input checked="" type="checkbox"/> Commissioner Johnson <input checked="" type="checkbox"/> Commissioner <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input checked="" type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input checked="" type="checkbox"/> Water & Sewer Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - L. Jaber
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From: Office of Chairman J. Terry Deason

Docket No. **930944-WS**

RECEIVED

OCT 28 1993

Title: **Shady Oaks Mobile-Modular Estates, Inc.**

FPSC-RECORDS/REPORTING

1. Schedule Information

Event	Former Date	New Date	Location	Time
Service Hearing				
Pre-Prehearing Conference				
Prehearing Conference		07/01/94	122 - TLH	9:30a.m.
Hearing		08/04 & 05/94	Pasco County	10:00a.m.
Special Agenda				
Other				

Remarks:

2. Hearing/Prehearing Assignment Information:

Former Assignments

	Commissioners						Hrg. Exam.	Staff
	ALL	DS	BR	CL	LA	JN		
<u>Hearing</u>								

New or Changed Assignments

	Commissioners						Hrg. Exam.	Staff
	ALL	DS	X	CL	LA	JN		
			X	X	X			
			X	X	X			

Prehearing Officer

Commissioners				
DS	BR	CL	LA	JN

Commissioners				
DS	X	CL	LA	JN
		X		
		X		

Remarks:

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 930944-WS Date Docketed: 09/22/93 Title: Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S issued to SHADY OAKS MOBILE-MODULAR ESTATES, INC. in Pasco County, pursuant to Section 367.111(1), F.S.
 Company: Shady Oaks Mobile-Modular Estates, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____ ADM _____ AFA _____ APP _____ CAF _____ CMU _____ EAG _____ GCL _____ (LEG) X _____ RAR _____ RRR _____ WAW X
 ("()") indicates OPR

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B1(f)

Staff Assignments

<u>OPR Staff</u>	<u>L Jaber</u>
<u>Staff Counsel</u>	<u>L Jaber</u>
<u>OCRs (WAW)</u>	<u>J Lingo</u>
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Warning: This schedule is tentative and subject to revision

Current CASR revision level

2

Due Dates

Previous Current

1. Testimony - Company	02/10/94	03/03/94
2. Testimony - Staff	03/10/94	03/31/94
3. Testimony - Intervening	03/10/94	03/31/94
4. Testimony - Rebuttal	SAME	06/13/94
5. Prehearing Statements	SAME	06/17/94
6. Notice of Prehearing	SAME	06/17/94
7. Prehearing	SAME	07/01/94
8. Notice of Hearing	SAME	07/02/94
9. Hearing 8/4-5/94	SAME	08/04/94
10. Transcripts Due	SAME	08/18/94
11. Briefs Due	SAME	09/01/94
12. Staff Recommendation	SAME	10/06/94
13. Agenda - Regular	SAME	10/18/94
14. Standard Order	SAME	11/07/94
15. Close Docket or Revise CASR	SAME	12/07/94
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Recommended assignments for hearing and/or deciding this case:
 Full Commission _____ Commission Panel X
 Hearing Examiner _____ Staff _____
 Date filed with RAR: 02/09/94
 Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	DS	CL	LA	JN	KS		
		X	X		X		

- Prehearing Officer

Commissioners					ADM
DS	CL	LA	JN	KS	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: AD/2
 Date: 02/09/94

Case Scheduling/Rescheduling Advice

April 21, 1994 9:48am

To: <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Laredo <input checked="" type="checkbox"/> Commissioner Johnson <input checked="" type="checkbox"/> Commissioner Kiesling <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input checked="" type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input checked="" type="checkbox"/> Water & Sewer Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - L. Jaber
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From: Office of Chairman J. Terry Deason

Docket No. 930944-WS

RECEIVED
APR 21 1994

Title: Shady Oaks Mobile-Modular Estates, Inc.

1. Schedule Information

FPSC-RECORDS / REPORTING

Event	Former Date	New Date	Location	Time
Service Hearing				
Pre-Prehearing Conference				
Prehearing Conference	07/01/94	no change	122 - TLH	*1:30p.m.
Hearing	08/04 & 05/94	no change	Pasco County	10:00a.m.
Special Agenda				
Other				

Remarks: *Changed Prehearing to 1:30p.m.

2. Hearing/Prehearing Assignment Information:

Former Assignments

New or Changed Assignments

	Commissioners						Hrg. Exam.	Staff
	ALL	DS	CL	LA	JN	KS		
<u>Hearing</u>								

	Commissioners						Hrg. Exam.	Staff
	ALL	DS	CL	LA	JN	KS		
			X	X		X		

Prehearing Officer

Commissioners				
DS	CL	LA	JN	KS

Commissioners				
DS	CL	LA	JN	KS
	X			

Remarks:

Case Scheduling/Rescheduling Advice

May 18, 1994 12:28pm

To: <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Lauredo <input checked="" type="checkbox"/> Commissioner Johnson <input checked="" type="checkbox"/> Commissioner Kiesling <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input checked="" type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input checked="" type="checkbox"/> Water & Sewer Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - L. Jaber
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From: Office of Chairman J. Terry Deason

Docket No. 930944-WS



Title: Shady Oaks Mobile-Modular Estates, Inc.

1. Schedule Information

FPSC-RECORDS / REPORTING

Event	Former Date	New Date	Location	Time
Service Hearing				
Pre-Prehearing Conference				
Prehearing Conference	07/01/94	07/11/94	122 - TLH	*9:30a.m.
Hearing	08/04 & 05/94	no change	Pasco County	10:00a.m.
Special Agenda				
Other				

Remarks: *Rescheduled prehearing to 7/11 at 9:30am; reassigned prehearing officer and panel.

2. Hearing/Prehearing Assignment Information:

Former Assignments

New or Changed Assignments

Hearing

Commissioners						Hrg. Exam.	Staff
ALL	DS	CL	LA	JN	KS		
		X	X		X		

Commissioners						Hrg. Exam.	Staff
ALL	DS	CL	LA	JN	KS		
	X				X		

Prehearing Officer

Commissioners				
DS	CL	LA	JN	KS
	X			

Commissioners				
DS	CL	LA	JN	KS
X				

Remarks: Reassigned PHO to Deason; reassigned panel to Deason and Kiesling.

Case Scheduling/Rescheduling Application

June 29, 1994 12:36pm

To:

<input checked="" type="checkbox"/> Commissioner Clark	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical	<input checked="" type="checkbox"/> Electric & Gas Director
<input checked="" type="checkbox"/> Commissioner Laredo	<input checked="" type="checkbox"/> Appeals Director	<input checked="" type="checkbox"/> Records & Reporting Director
<input checked="" type="checkbox"/> Commissioner Johnson	<input checked="" type="checkbox"/> Legal Director	<input checked="" type="checkbox"/> Research Director
<input checked="" type="checkbox"/> Commissioner Kiesling	<input checked="" type="checkbox"/> Auditing & Financial Analysis Director	<input checked="" type="checkbox"/> Water & Sewer Director
<input checked="" type="checkbox"/> Executive Director	<input checked="" type="checkbox"/> Communications Director	<input checked="" type="checkbox"/> Court Reporter
<input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Staff Contact - L. Jaber

From: Office of Chairman J. Terry Deason

Docket No. 930944-WS

RECEIVED
JUN 29 1994

Title: Shady Oaks Mobile-Modular Estates, Inc.

1. Schedule Information

FPSC-RECORDS/REPORTING

Event	Former Date	New Date	Location	Time
Service Hearing				
Pre-Prehearing Conference				
Prehearing Conference	07/11/94	07/22/94	*106 - TLH	*1:30p.m.
Hearing	08/04 & 05/94	no change	Pasco County	10:00a.m.
Special Agenda				
Other				

Remarks: Changed prehearing from 7/11/94 in Rm. 122 at 9:30am to 7/22/94 in Rm. 106 at 1:30pm.

2. Hearing/Prehearing Assignment Information:

Former Assignments

New or Changed Assignments

Hearing

Commissioners						Hrg. Exam.	Staff
ALL	DS	CL	LA	JN	KS		
	X				X		

Commissioners						Hrg. Exam.	Staff
ALL	DS	CL	LA	JN	KS		
	X				X		

Prehearing Officer

Commissioners				
DS	CL	LA	JN	KS
X				

Commissioners				
DS	CL	LA	JN	KS
				X

Remarks: Reassigned PHO from Deason to Kiesling.

Case Scheduling/Rescheduling Advice

August 10, 1994 3:47pm

To: <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Johnson <input checked="" type="checkbox"/> Commissioner Kiesling <input checked="" type="checkbox"/> Commissioner <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input checked="" type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input checked="" type="checkbox"/> Water & Sewer Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - L. Jaber
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From: Office of Chairman J. Terry Deason

Docket No. 930944-WS


 Title: Shady Oaks Mobile-Modular Estates, Inc.

FPSC-RECORDS/REPORTING

1. Schedule Information

Event	Former Date	New Date	Location	Time
Service Hearing				
Pre-Prehearing Conference				
Prehearing Conference				
Hearing	08/04 & 05/94	08/04/94	Pasco County	10:00a.m.
Special Agenda				
Other				

Remarks: Deleted 8/5 from hearing; one day only, on 8/4.

2. Hearing/Prehearing Assignment Information:

Former Assignments

	Commissioners						Hrg. Exam.	Staff
	ALL	DS	CL	X	JN	KS		
<u>Hearing</u>				X				

New or Changed Assignments

	Commissioners						Hrg. Exam.	Staff
	ALL	DS	CL	X	JN	KS		
		X				X		

Prehearing

Officer

Commissioners				
DS	CL	X	JN	KS
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Commissioners				
DS	CL	X	JN	KS
		X		
				X

Remarks:

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reports (RAR) Completes

Docket No. 930944-WS Date Docketed: 09/22/93 Title: Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S issued to SHADY OAKS MOBILE-MODULAR ESTATES, INC. in Pasco County, pursuant to Section 367.111(1), F.S.
 Company: Shady Oaks Mobile-Modular Estates, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: ADM AFA APP CAF CMU EAG GCL (LEG) RAR RRR WAW
 ("()" indicates OPR) _____ X _____ X

Section 2 - OPR Completes and returns to RAR in 10 workdays. Time Schedule

Program/Module	Staff Assignments
OPR Staff	L Jaber
Staff Counsel	L Jaber
OCRs (WAW)	C Galloway, S Rieger
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Warning: This schedule is tentative and subject to revision

Current CASR revision level	Due Dates	
	Previous	Current
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1. Close Docket or Revise CASR	12/07/94	06/07/95
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Recommended assignments for hearing and/or deciding this case:
 Full Commission _____ Commission Panel X
 Hearing Examiner _____ Staff _____
 Date filed with RAR: 12/02/94
 Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	DS	CL	JN	KS	GR		
	X			X			

- Prehearing Officer

Commissioners					ADM
DS	CL	JN	KS	GR	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: JTD/hj
 Date: Pending 12/22/94

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting, (RAR) Completes

Docket No. 930944-WS Date Docketed: 09/22/93 Title: Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S issued to SHADY OAKS MOBILE-MODULAR ESTATES, INC. in Pasco County, pursuant to Section 367.111(1), F.S.
 Company: Shady Oaks Mobile-Modular Estates, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: ADM AFA APP CAF CMU BAG GCL (LBG) RAR RRR WAW
 ("()" indicates OPR) _____ X _____ X

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

<u>Program/Module</u>	B1(f)
<u>Staff Assignments</u>	
<u>OPR Staff</u>	L Jaber
<u>Staff Counsel</u>	L Jaber
<u>OCRs (WAW)</u>	C Galloway, S Rieger
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Warning: This schedule is tentative and subject to revision

Current CASR revision level	Due Dates	
	Previous	Current
4		
1. Close Docket or Revise CASR	05/31/95	05/31/96
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Recommended assignments for hearing and/or deciding this case:
 Full Commission _____ Commission Panel X
 Hearing Examiner _____ Staff _____
 Date filed with RAR: 05/22/95
 Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	CL	DS	JN	KS	GR		
		X		X			

- Prehearing Officer

Commissioners					ADM
CL	DS	JN	KS	GR	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: SFC/wj
 Date: Pending 5/25/95

M E M O R A N D U M

September 23, 1993

TO: DIVISION OF RECORDS AND REPORTING (JACKSON)

FROM: DIVISION OF LEGAL SERVICES (JABER) *[Signature]*

RE: DOCKET NO. 930944-WS - REVOCATION BY FLORIDA PUBLIC SERVICE COMMISSION OF CERTIFICATES NOS. 451-W AND 382-S ISSUED TO SHADY OAKS MOBILE-MODULAR ESTATES, INC. IN PASCO COUNTY, PURSUANT TO SECTION 367.111(1), FLORIDA STATUTES.

Attached is a Legal Notice to be sent to Shady Oaks Mobile-Modular Estates, Inc., and the its customers.

P 407 857 483

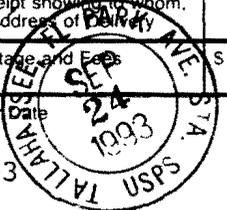
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

Sent to	Mr. Richard Sims
Street and No.	c/o Shady Oaks Mobile-Modular
P.O., State and ZIP Code	Estates
Postage	38616 Shady Oaks Drive Zephyrhills, FL 33540-6526
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	
Postmark or Date	9-23-93



DOCUMENT NO.
13665-04

OCT - 5 1993

FPC RECORDS / REPORTING

38,511 Stafford Drive
Zephyrhills, FL 33540

RE: Sept. 29, 1993

Account No. 930944-WS

Certificates 451-W and

State of Florida 382-5

Public Service Commission

Fletcher Building

101 East Gaines Street

Tallahassee, FL 32399-0850

Dear Sirs:

Can you please send me an explanation of above certificate numbers? I received your notice of revocation of above certificates to-day.

As you may know that there have not been any improvements made to the water and sewer systems. The water and sewer rates are way out of line for this type of utility.

also there are no fire hydrants in the park.

MR. ERNEST D. SAMUELSON
38511 STAFFORD DR.
ZEPHYRHILLS, FL 33540-8500

Yours truly
Ernest D. Samuelson

State of Florida

Commissioners:

J. TERRY DEASON, CHAIRMAN
SUSAN F. CLARK
LUIS J. LAUREDO
JULIA L. JOHNSON



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 487-2740

Public Service Commission

October 12, 1993

RECEIVED
OCT 14 1993
FPSC-RECORDS/REPORTING

Mr. Ernest D. Samuelson
38511 Stafford Drive
Zephyrhills, Florida 33540-6500

Re: Docket No. 930944-WS, Revocation of certificate issued
Shady Oaks Mobile Modular Estates, Inc.

Dear Mr. Samuelson:

Thank you for your letter dated September 29, 1993.

You have requested an explanation of the certificate numbers held by Shady Oaks Mobile Modular Estates, Inc. (Shady Oaks). Each utility subject to Public Service Commission (Commission) regulation must apply to the Commission for a certificate of authorization before providing service. If the Commission approves a utility's application, separate water and wastewater certificate numbers are assigned. A certificate authorizes the utility to provide service to a specified territory. In the case of Shady Oaks, the Commission has initiated a proceeding to revoke the utility's certificates because it has failed to provide satisfactory quality of service and has violated prior Commission orders.

You also stated that no improvements have been made to the water and wastewater systems. We are aware that some problems exist. The utility has completed the meter installations on the water system; however, it has not made other ordered improvements to the systems, nor has it made adequate improvement in its customer relations.

You also stated that the utility's water and wastewater rates are way out of line for this type of system. The Commission established rates for this utility to allow the utility the opportunity to recover its reasonable and prudent costs necessary to provide adequate service and earn a return on its investment. In setting rates, the Commission also allowed the utility to recover investment related to the required interconnection of the wastewater system to Pasco County and preventative maintenance costs for both the water and wastewater systems. Since the interconnection has not occurred and the preventative maintenance

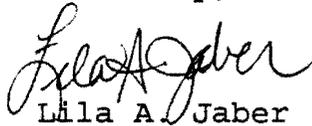
Mr. Ernest Samuelson
Letter - Page 2

allowance was not spent, the Commission has ordered that the utility's rates be reduced to remove those items. The Commission will decide on the level of rate reductions at its Agenda Conference on October 19, 1993.

Your final concern was that there are no fire hydrants in the park. Unfortunately, I will not be able to help you in this matter since the Commission has no jurisdiction over fire protection or prevention. Any requirement for fire hydrants is usually handled at the local level.

Should you have any further questions please feel free to contact me at (904) 487-2740 or Ms. Jennie Lingo at (904) 488-8482.

Sincerely,



Lila A. Jaber
Senior Attorney

LAJ/nb/dr

cc: Division of Records and Reporting
Division Water and Wastewater (Hill, Bethea, Lingo, Rieger)
John Wharton, Esquire

State of Florida



Public Service Commission

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

DATE: 11-9-93
TO: All Interested Persons
FROM: Steve Tribble, Director of Records and Reporting
RE: Original Case Assignment and Scheduling Record

Attached is a time schedule, entitled "Case Assignment and Scheduling Record" (CASR), which has been prepared by Commission staff members and approved by the Chairman. Please review the schedule and note the dates designated by the Commission for completion of stages of work in the docket.

Any requests for changes in the schedule must be filed with the Director of Records and Reporting for consideration by the Commissioner assigned to rule on motions and procedural matters in the docket or by the Commission Chairman.

Persons receiving these schedules should be aware that the dates are subject to change and therefore should not rely on them exclusively, but should continue to look to the Commission's official notice and orders for firm dates of hearings and other activities.

ST/wds

attachment

PSC/RAR35 (Rev 1/93)

M E M O R A N D U M

December 10, 1993

RECEIVED
DEC 10 1993
3:25
FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (JABER *JAS*)

RE: DOCKET NO. 930944-WS - REVOCATION BY FLORIDA PUBLIC SERVICE COMMISSION OF CERTIFICATES NOS. 451-W AND 382-S ISSUED TO SHADY OAKS MOBILE-MODULAR ESTATES, INC. IN PASCO COUNTY, PURSUANT TO SECTION 367.111(1), FLORIDA STATUTES.

1779-PCO

Attached is an Order Establishing Procedure to be issued in the above-referenced docket. (Number of pages in Order -)

LAJ/dr

Attachment

cc: Division of Water and Wastewater (Lingo)

I:944-OEP.LAJ

M E M O R A N D U M

December 29, 1993

RECEIVED
DEC 29 1993

FPSC-RECORDS / REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (JABER) *JAT*

RE: DOCKET NO. 930944-WS - REVOCATION BY FPSC OF
CERTIFICATES NOS. 451-W AND 382-S ISSUED TO SHADY OAKS
MOBILE-MODULAR ESTATES, INC. IN PASCO COUNTY, PURSUANT
TO SECTION 367.111(1), FLORIDA STATUTES

Please place the following customer names on the mailing list in the above-referenced docket. Thank you.

Dorothy Bird
38553 Monet Drive
Zephyrhills, Florida 33540
(813) 788-1196

Robert Lindahl
38546 Beniger Drive
Zephyrhills, Florida 33540

LAJ

cc: Division of Water and Wastewater (Lingo, Rieger)

February 3, 1994

Florida Public Service Commission
Fletcher Building
101 East Gaines St.
Tallahassee, Florida
32399-0850

900025-WS

Gentlemen:

This is in regard to the water being shut-off, in Shady Oaks park, 1/13/94 and 1/22/94.

We were not told that it would be OFF. There was no notice that this was going to take place. Calling the Utility, you are told to call the PSC, I called the PSC and the lady I talked too was of no help. All she could tell me was that I had to call the Utility. At this time it was too late to do so because the water was all ready OFF.

I was under the impression that the PSC was there to help you. The woman that answered my call said that **IF IT WAS AN EMERGENCY** they the Utility could turn it off with out there being any notice. She could not get it through her head that there was no emergency. The places that needed to be fixed had been leaking for a long time and they could have planed ahead for the repair.

I got the impression that she was working for the Utility. I was lax in not getting her name, but from now on I will record the conversation.

On the 22nd of January we were away from 8am till 1:30pm, returning home to find the water off and the new heating element in my water heater had burned out because the water had been shut OFF. Will the water utility pay for the cost of this?

Please kept me informed as to what is being done about this bad situation.

Sincerely,
Daniel Cole
38437 Beniger Dr
Zwphyrhills Fl
33540

Shady Oaks Owner's Assoc.
3661 Castle Dr
Zephyrhills Fl
33540

Shady Oaks
P.O. Box 280012
Tampa, Fl
33682-0012

Commissioners:

J. TERRY DEASON, CHAIRMAN
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO



DIVISION OF CONSUMER AFFAIRS
GEORGE HANNA
DIRECTOR
(904) 488-7238
TOLL FREE 1-800-342-3552

Public Service Commission

February 16, 1994

Mr. Daniel Cole
38437 Beniger Drive
Zephyrhills, FL 33540

Dear Mr. Cole:

This is a follow-up to your complaint against Shady Oaks Mobile-Modular Estates regarding service interruptions.

I've received a copy of the company's February 5 memo to you explaining a notice about the service interruption on January 13 was on the January bill. It appears that type of notification isn't appropriate for a planned service interruption. The company said it was notified on January 21 of a serious water leak in the water pump room, and it appears that the company had time to provide a public notice to the customers about the service interruption on January 22.

We monitor complaints very closely to track any trends which indicate there may be a problem which the Commission should review and take further action. Additionally, our complaint records are often checked for information before commissioners make final decisions, and complaints serve as a valuable source of information.

Thank you for bringing the problem to my attention. Should you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shirley A. Stokes".

Shirley A. Stokes
Consumer Affairs Analyst
Division of Consumer Affairs

SAS

cc Mr. Stan Rieger, Div. of Water & Wastewater
Mr. Richard Sims, Shady Oaks



Public Service Commission

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

DATE: March 16, 1994
TO: Division of Administration, Bureau of Fiscal Services (Sewell)
FROM: Division of Legal Services (Summerlin)
Division of Water and Wastewater (Shafer) *SS*
RE: Docket No. 930944-WS, Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S issued to Shady Oaks Mobile-Modular Estates, Inc. in Pasco County, pursuant to Section 367.111(1), F.S.

We would appreciate your assistance in the above-referenced docket. Specifically, please indicate the total amount of delinquent regulatory assessment fees (including penalties and interest) for the utility, calculated through March 31, 1994. If possible, please provide this information by March 23, 1994. If you will be unable to provide the information within the requested timeframe, please call us. Thank you for your help.

\FJL (c:\soak\sewe0315.fjl)
cc: Division of Legal Services (Jaber)
Division of Water and Wastewater (Hill, Lingo, Rieger)
Division of Records and Reporting (docket file)

930944-WS

FLORIDA PUBLIC SERVICE COMMISSION
-M-E-M-O-R-A-N-D-U-M-

DATE: March 18, 1994
TO: DIVISION OF LEGAL SERVICES (SUMMERLIN)
DIVISION OF WATER AND WASTEWATER (SHAFFER)
FROM: EVELYN H. SEWELL, CHIEF OF FISCAL SERVICES
RE: SHADY OAKS MOBILE-MODULAR ESTATES

MAR 18 1994

This is to advise that the records in this office indicate that Shady Oaks has not made full payment for its Regulatory Assessment fees for 1990, 1991, or 1992. The due date for 1993's Regulatory Assessment fee is March 31, 1994, and as of this date, we have not received any information from the company.

	<u>1990</u>	<u>1991</u>	<u>1992</u>
REGULATORY ASSESSMENT FEE	\$1,914.11	\$2,923.70	\$2,941.47
PENALTY AND INTEREST	114.84	701.68	1,058.92
ADDITIONAL INTEREST	<u>34.45</u>	<u>308.73</u>	
		3,934.11	
PAID		-750.00	
AMOUNT DUE	<u>\$2,063.40</u>	<u>\$3,184.11</u>	<u>\$4,000.39</u>

- EHS:vm:shad.jnl
- c: Division of Legal Services (Jaber)
- Division of Water and Wastewater (Hill)
- Division of Records and Reporting (Docket File)
- Division of Administration (Moore)

May we have a docket number please.

March 24, 1994

Florida Public Service Comm.
Fletcher Bldg.
101 East Gaines St.
Tallahassee, Fl. 32399-0850

Gentlemen:

This letter is in the form of a complaint against Shady Oaks Utility, P.O. Box 280012, Tampa, Fl. 33682-0012.

I notified Mr. Sims of a water leak in the main at 38501 Willoughby Dr. in Shady Oaks Park on or about March 6, 1994. I have since checked it out several times, and can not determine if the leak is water or sewer. They both run out back of the homes on Willoughby Dr. It is very wet in a large circle and the grass is very green, with not clear water showing in the center. Mr. Sims has done nothing about this. Either way, whether it be water or sewer, it needs attention by the utility.

Please place this in the file of complaints against Shady Oaks Utility.

Very truly yours

Ben I. Weld

Ben I. Weld
38441 Willoughby Dr.
Zephyrhills, Fl. 33540

WELD, BEN I.

Re: Shady Oaks Utility

Thursday, March 31, 1994: Mr. Sims came to look at the leak. He said it was water, not sewer.

Wednesday, April 13, 1994: Dick and his son came to look at water leak. Ben went out. Dick said PSC had sent him a copy of our letter. He said he will not fix it now; he will have to shut down the whole park in order to make repairs.

Mar 29, 1994.

To the Public Service Commission
Tallahassee, Florida

Dear Sirs:

We are residents of the Shady Oaks Mobile Home Park on Route 39 in Zephyrhills, Florida.

The water and sewer supply for the park are, at the present time being managed by one Richard D. Sims.

The service from this source has been most unsatisfactory. The water has been shut off with absolutely no notification given to the residents. This is entirely uncalled for. Because even in an emergency shut off all Mr. Sims needed to do was notify one of our officers and we have a chain of command through which such necessities are very quickly relayed to all the residents. Mr. Sims is well aware of who the officers are.

At the times the water was shut off we had very ill people in the park and water was a necessity. We had a serious illness in our home at the time and it was very difficult without water.

In the summer we were away for three months. We had shut our water off before we left. We had notified Mr. Sims that our mail would take some time to catch up with us and that we would pay our bill as soon as it caught up with us. Mr. Sims ignored our notice. Instead he put a lock down in beside the meter in the dust. Mind you, our water was already shut off. Mr. Sims turned the shank of the lock around so that it was open to make it look like it was cut. Knowing the kind of man Mr. Sims is we got a witness to see the open lock laying in the dust beside the meter. Mr. Sims sent

M E M O R A N D U M

April 7, 1994

RECEIVED
11:50 APR - 7 1994
FPSC-RECORDS / REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (PIERSON) RP
RE: DOCKET NO. 930944-WS - Revocation by Florida Public
Service Commission of Certificates Nos. 451-W and 382-S
issued to Shady Oaks Mobile-Modular Estates, Inc. in
Pasco County Pursuant to Section 367.111, F.S.

0407-PCD

Attached is an Order Denying Motions to Determine Presentation
of Evidence and For Oral Argument to be issued in the above-
referenced docket. (Number of pages in Order - 3)

RJP/dl

Attachment

cc: Division of Water and Wastewater (Lingo)

I: 930944WS.RJP

MUST COMPLY

RECEIVED

MAY 16 1995

2:55

FPSC-RECORDS/REPORTING

MEMORANDUM

May 12, 1995

TO: DIVISION OF RECORDS AND REPORTING 

FROM: DIVISION OF LEGAL SERVICES (JAEGER) 

RE: DOCKET NO. 930944-WS - Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S issued to SHADY OAKS MOBILE-MODULAR ESTATES, INC. in Pasco County, pursuant to Section 367.111(1), F.S.

0603-FOF

Attached is an ORDER REFERRING COLLECTION OF FINES AND FEES TO THE OFFICE OF THE COMPTROLLER , to be issued in the above-referenced docket. (Number of pages in Order - 5)

RRJ/dp

Attachment

cc: Division of Water and Wastewater (Galloway, Rieger)

I: 930944-O.RRJ

April 15, 1994

We purchased the property at 3757 Muller Dr. on December 16, 1993 from Mr. H. B. Reedy Sr. We asked Mr. Reedy where the the water shut off for the house were so we could shut the water off when we were ready to go back north for the summer. Mr. Reedy informed us that the Valve was defected and it would be impossible to turn the water off until the Valve was replaced.

On April 11, 1994 we decided to change the Valve as we were making plan to return north for the summer.

We checked to see what would be needed to replace the faulty Valve. at that time we noticed there was 2 pipes running parrallel with only 1 pipe with the defected Valve. We decided that as long as we had the water turned off at the meter we should install a turn off Valve on the other pipe so we could turn the other pipe off as well.

We shut the water off at the meter and cut the pipe and replaced the defected Valve which took about 25 minutes. When that was done we started to cut the other pipe only to discover that the water in the other pipe was still on. We had no way to turn it off when to become apparent that we could not shut the water off we called Mr Sims and notified him that the water was still gushing even tho we had shut it off at the meter. Mr Sims told us he would come over and help us install the valve. When he got here he saw that the water was still running and he didnt seem to know how to shut it off since the pipe was not tied to the meter and had not been tied in when the meters were installed. He then said he would have to shut down the water system in the entire park in order for us to install a valve on that pipe. It doesn't seem right that the entire park

so that we can shut the water off in
case of any emergency or if repairs have
to be done should any leaks appear.

Thank You
Mr + Mrs Richard
Rodrigue

April 14, 1994

Sat. Apr. 16, 1994

In Feb. 1990 we had a shut-off installed on our water line. However, after the water meters were installed, and upon our return from up north in Nov. 1993, we discovered that our shut-off had been removed, and was not returned.

Mr. + Mrs. Kenneth Libby
3613 Castle Dr.
Zephyrhills, Fl. 33540



Public Service Commission

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

DATE: April 20, 1994

TO: Blanca Bayo, Director of Records and Reporting

FROM: Wilbur Stiles, Assistant to Commissioner Clark *W/S*

RE: Intercepted Communication Received in Docket No 930944-WS, Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S issued to Shady Oaks Mobile-Modular Estates, Inc. in Pasco County, pursuant to Section 367.111(1), F.S.

This office has received the attached correspondence. The correspondence has not been viewed or considered in any way by Commissioner Clark. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991 as CEO 91-31-July 19, 1991), this letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Commissioner. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, F.S. However, in such cases Commissioner Clark has requested that such correspondence be placed on the record in the correspondence side of the docket file.

RECEIVED
APR 21 1994

FPSC-RECORDS / REPORTING

Shady Oaks Mobile-Modular Estates, Inc.

38616 Shady Oaks Drive
ZEPHYRHILLS, FLORIDA 33540

Telephone (813) 782-2686

EMERGENCY (813) 932-3177

April 12, 1994

Ms. Susan F. Clark
Commissioner
P.S.C.
101 East Gaines Street
Tallahassee, Florida 32399-0864

Dear Ms. Clark:

I received in today's mail a copy of your ruling dated April 7, 1994.

The next time you are in Tampa, I would like to sit down and talk with you regarding the various matters pending before the Public Service Commission. I believe we could accomplish more in person.

Very truly yours,

R. D. Sims

Richard D. Sims
President

RDS:ss
Encl 1

RECEIVED

APR 15 1994

Public Service Comm.
Commissioner Clark

HAVE A HAPPY DAY

MEMORANDUM

TO
Mr. Robert Lindahl
Shady Oaks Owners Assoc.
3651 Castle Drive
Zephyrhills, Fla. 33540

FROM
SHADY OAKS
P.O. BOX 280012
TAMPA, FL 33682-0012

DATE
4-11-94

SUBJECT

MESSAGE

Dear Bob:

Concerning your desire to purchase the Utility, I have briefly discussed this with my Board. At this particular time we are under construction to inter-connect to the County's Waste-water System, and this prohibits us from determining a fair and accurate price. Once this is accomplished, and a new rate established, then a price can be determined. We have had other interested parties, and we are going to sell, but will give the Association first choice.

Very truly yours,
R. D. Sims
R. D. Sims

cc: C. Hill
G. Shafer
M. Deterding
Board

FAST REPLY BY
Arkams

NO REPLY NECESSARY

Memorandum

Public Service Commission
Tallahassee, Fl.

April 20, 1994

Docket # 930944-W-S.
Shady Oaks Mobile Modular
Estates, Inc.

Dear Sir:

Should you please put us on your mailing list
for Docket # 930944-W-S?

M. W. McBride
3538 Castle Dr.
Zephyrhills, Fl. 33540

RECEIVED
APR 25 1994
FPSC-RECORDS / REPORTING

Thank you.

Sincerely,
Mrs M. W. McBride

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
1994 APR 25 AM 10:57
MAIL ROOM

M E M O R A N D U M

July 7, 1994

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (JABER) *JH*
RE: DOCKET NO. 930944-WS - REVOCATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF CERTIFICATES NOS. 451-W AND 382-S
ISSUED TO SHADY OAKS MOBILE-MODULAR ESTATES, INC. IN
PASCO COUNTY, PURSUANT TO SECTION 367.111(1), F.S.

Attached is an Amended Notice of Prehearing Conference to be issued in the above-referenced docket. (Number of pages in document - 2)

LAJ/dr

Attachment

cc: Division of Water and Wastewater (Rieger, Galloway, Bethea,
Lingo)
Division of Records and Reporting
Court Reporters
Public Information

I:SO-ANPC.LAJ

*OK
cp*

M E M O R A N D U M

July 20, 1994

RECEIVED
JUL 20 1994

2:27 pm
FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (JABER) *JAS*
RE: DOCKET NO. 930944-WS - REVOCATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF CERTIFICATES NOS. 451-W AND 382-S
ISSUED TO SHADY OAKS MOBILE-MODULAR ESTATES, INC. IN
PASCO COUNTY, PURSUANT TO SECTION 367.111(1), F.S.

Attached is a Notice of Hearing to be issued in the above-referenced docket. (Number of pages in document - 2)

LAJ/dr

Attachment

cc: Division of Water and Wastewater (Lingo)
Court Reporter
Public Information

I:SO-NOH.LAJ

OK
CP

MUST GO TODAY

MEMORANDUM

RECEIVED
JUL 25 1994

July 22, 1994

FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (JABER) *LAS*
RE: DOCKET NO. 930944-WS - REVOCATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF CERTIFICATES NOS. 451-W AND 382-S
ISSUED TO SHADY OAKS MOBILE-MODULAR ESTATES, INC. IN
PASCO COUNTY, PURSUANT TO SECTION 367.111(1), F.S.

0906-PHO

Attached is a Prehearing Order to be issued in the above-referenced docket. (Number of pages in Order - 16)

* * * S A V E * * *

LAJ/dr

Attachment

cc: Division of Water and Wastewater (Lingo, Rieger, Galloway,
Bethea)

I:SO-PHO.LAJ

MUST GO TODAY

M E M O R A N D U M

June 14, 1994

RECEIVED
JUN 15 1994

4:21 p.m.
FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (JABER) *JAS*

RE: DOCKET NO. 930944-WS - REVOCATION BY FLORIDA PUBLIC SERVICE COMMISSION OF CERTIFICATES NOS. 451-W AND 382-S ISSUED TO SHADY OAKS MOBILE-MODULAR ESTATES, INC. IN PASCO COUNTY, PURSUANT TO SECTION 367.111(1), F.S.

Attached is a Notice of Prehearing Conference to be issued in the above-referenced docket. (Number of pages in document - 2)

LAJ/dr

Attachment

cc: Division of Water and Wastewater (Lingo, Rieger, Galloway, Bethea)
Division of Records and Reporting
Court Reporters
Public Information

I:SO-NPC.LAJ

OK
CP

MEMORANDUM

June 27, 1994

RECEIVED
JUN 29 1994

11:45 a.m.
FPSC RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (JABER) *JAT*

RE: DOCKET NO. 930944-WS - REVOCATION BY FLORIDA PUBLIC SERVICE COMMISSION OF CERTIFICATES NOS. 451-W AND 382-S ISSUED TO SHADY OAKS MOBILE-MODULAR ESTATES, INC. IN PASCO COUNTY, PURSUANT TO SECTION 367.111(1), F.S.

0809 - PCO

Attached is an Order Granting Extension of Time to File Rebuttal Testimony and Prehearing Statement and Granting Utility's Request to Postpone Prehearing Conference, to be issued in the above-referenced docket. (Number of pages in Order - 4)

LAJ/dr

Attachment

cc: Division of Water and Wastewater (Lingo, Rieger, Galloway, Bethea)

I:930944-O.LAJ

MUST GO TODAY

940276-60
06432-94
6/29/94

M E M O R A N D U M

July 11, 1994

RECEIVED
JUL 12 1994

FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (JABER) LAJ
RE: DOCKET NO. 930944-WS - Revocation by Florida Public
Service Commission of Certificates Nos. 451-W and 382-S
Issued to SHADY OAKS MOBILE-MODULAR ESTATES, INC. in
Pasco County, Pursuant to Section 367.111(1), F.S.

Attached is a copy of the Certificate of Service for the
Notice of Depositions, in the above-referenced docket.

LAJ/dr

Attachment

cc: Division of Water and Wastewater (Galloway, Lingo, Rieger)

I: SO-DEPO.LAJ

State of Florida

Commissioners:
SUSAN F. CLARK
J. TERRY DEASON, CHAIRMAN
JULIA L. JOHNSON
DIANE K. KIESLING



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 487-2740

Public Service Commission

RECEIVED
JUL 28 1994

July 18, 1994

FPSC-RECORDS / REPORTING

Mr. Richard D. Sims
1315 Eckles Drive
Tampa, Florida 33612

Re: Docket No. 930944-WS - Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S Issued to SHADY OAKS MOBILE-MODULAR ESTATES, INC. in Pasco County, Pursuant to Section 367.111(1), F.S.

Dear Mr. Sims:

Enclosed please find a copy of the Prehearing Order, Order No. PSC-94-0906-PHO-WS, issued July 25, 1994. Please note that in addition to the Motion to Strike Testimony of Mike Daley, Aileen Delehanty, and Larry DeLucenay, at the July 22, 1994, prehearing conference, the Commission Staff made an ore tenus Motion for Sanctions against your utility for your failure to attend the deposition also held on July 22, 1994. As you can see on page 14 of the Prehearing Order, Staff's two motions were granted.

As you know by now from the Notice of Hearing, the Hearing will be held on August 4, 1994, beginning at 10:00 a.m. at the Shady Oaks Mobile-Modular Estates, Inc. Clubhouse.

Sincerely,

A handwritten signature in cursive script that reads "Lila A. Faber".

Lila A. Faber
Senior Attorney

LAJ/dr

Attachments

cc: Division of Water and Wastewater (Lingo, Rieger, Galloway, Bethea)
Division of Records and Reporting

MEMORANDUM

July 26, 1994

JUL 27 1994

10:45

PASCO RECORDS CENTER

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (JABER) *JAB*

RE: DOCKET NO. 930944-WS - REVOCATION BY FLORIDA PUBLIC SERVICE COMMISSION OF CERTIFICATES NOS. 451-W AND 382-S ISSUED TO SHADY OAKS MOBILE-MODULAR ESTATES, INC. IN PASCO COUNTY, PURSUANT TO SECTION 367.111(1), F.S.

Attached is a Revised Notice of Hearing to be issued in the above-referenced docket. (Number of pages in document - 2)

LAJ/dr

This MUST get issued today! Thank you!

Attachment

cc: Division of Water and Wastewater (Lingo)
Court Reporter
Public Information

I:SO-NOH.LAJ

*OK
CP*

RECEIVED
AUG 12 1994

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 930944-WS

FPSC-RECORDS/REPORTING

AUGUST 4, 1994

INDIVIDUAL CORRESPONDENTS TESTIMONY FROM CUSTOMERS OF UTILITY

Larry and Millie Brown	38508 Willoughby Drive
Daniel Cole	38437 Beniger Drive
Kenneth and Virginia Libby	3613 Castle Drive
Richard and Joan Rodrigue	3737 Muller Drive
Ben I. Weld	38441 Willoughby Drive

M E M O R A N D U M

August 8, 1994

RECEIVED
AUG 11 1994
11:55 am
FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (JABER) *LAJ*
RE: DOCKET NO. 930944-WS - REVOCATION BY FLORIDA PUBLIC SERVICE COMMISSION OF CERTIFICATES NOS. 451-W AND 382-S ISSUED TO SHADY OAKS MOBILE-MODULAR ESTATES, INC. IN PASCO COUNTY, PURSUANT TO SECTION 367.111(1), F.S.

0976-FOF

Attached is a Final Order Revoking Certificate, to be issued in the above-referenced docket. (Number of pages in Order - 13)

* * * S A V E * * *

This Order Must Be Issued Today

LAJ/dr

Attachment

cc: Division of Water and Wastewater (Hill, Lowe, Bethea, Rieger, Galloway, Lingo)

I:930944-E.LAJ

MUST GO TODAY

M E M O R A N D U M

August 11, 1994

RECEIVED
AUG 12 1994

FPSC-RECORDS/REPORTING

TO: RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (JABER) *JG*

RE: DOCKET NO. 930944-WS - REVOCATION BY FLORIDA PUBLIC SERVICE COMMISSION OF CERTIFICATES NOS. 451-W AND 382-S ISSUED TO SHADY OAKS MOBILE-MODULAR ESTATES, INC. IN PASCO COUNTY, PURSUANT TO SECTION 367.111(1), F.S.

Please add the following name to the mailing list in the above-referenced docket.

Robert Steinle, P.E., Director
c/o Utilities Construction and
Contract Management
Pasco County Government Complex
7536 State Street
New Port Richey, Florida 34654

LAJ/dr

Attachment

cc: Division of Water and Wastewater (Lowe, Bethea, Rieger, Galloway)

State of Florida

Commissioners:
SUSAN F. CLARK
J. TERRY DEASON, CHAIRMAN
JULIA L. JOHNSON
DIANE K. KIESLING



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 487-2740

Public Service Commission

August 11, 1994

Robert C. Steinle, P.E., Director
c/o Utilities Construction and
Contract Management
Pasco County Government Complex
7536 State Street
New Port Richey, Florida 34654

RECEIVED
AUG 12 1994

FPSC-RECORDS/REPORTING

Re: Docket No. 930944-WS - Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S Issued to SHADY OAKS MOBILE-MODULAR ESTATES, INC. in Pasco County, Pursuant to Section 367.111(1), F.S.

Dear Mr. Steinle:

Again, we would like to thank you for meeting with us last week and for all of your cooperation in this matter. As we discussed, the Commission has now issued an order confirming the vote at the August 4, 1994, hearing.

For your convenience, I have enclosed a copy of the issued order revoking Shady Oaks' certificates. The next step, of course, is the immediate appointment of a receiver pursuant to Section 367.165, Florida Statutes. Please let me know if you need additional information or have any questions.

Sincerely,

Handwritten signature of Lila A. Jaber.
Lila A. Jaber
Senior Attorney

LAJ/dr

cc: Division of Water and Wastewater (Lowe, Bethea, Rieger, Galloway)
Division of Records and Reporting



Public Service Commission

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

DATE: August 11, 1994
TO: Blanca S. Bayo, Director, Division of Records and Reporting
FROM: Joy Kelly, Chief, Bureau of Reporting
RE: Docket No. 930944-WS HEARING 8/4/94 SHADY OAKS

IN RE: Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S Issued to SHADY OAKS MOBILE-MODULAR ESTATES, INC. in Pasco County, Pursuant to Section 367.111(1), F.S.

DOCUMENT NO. 08154 8/10/94

The transcript for the above-described hearing has been completed and is forwarded for placement in the docket file.

Please note that Staff distribution of this transcript was made to:

Legal, AFAD, W&W, Public Counsel, SOLD

The following exhibits are being filed with this transcript:

Exhibits 1 thru 17

The following exhibits have not been furnished to the Bureau of Reporting to date and do not accompany this transcript:

None

Acknowledged by: *JD*

JK/dw

PSC/RAR 28 (Rev 4/94)



Public Service Commission

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

DATE: August 24, 1994
TO: Blanco Bayó, Director, Records and Reporting
FROM: Joy Kelly, Chief, Bureau of Reporting
RE: Docket No. 930944-WS, Prehearing Conference, Held 7-22-94, 15 pages.

IN RE: SHADY OAKS MOBILE-MODULAR ESTATES

DOCUMENT NO. 08568 8-22-94

The transcript for the above-described hearing has been completed and is forwarded for placement in the docket filed.

Please note that Staff distribution of this transcript was made to:

Legal, AFAD, WAW

The following exhibits are being filed with this transcript:

NONE

The following exhibits have not been furnished to the Bureau of Reporting to date and to not accompany this transcript:

NONE

Acknowledged by: _____

A handwritten signature in cursive script, appearing to be "L. C. ...", written over a horizontal line.

JK/pc

PSC/RAR 28 (Rev 7/94)

The Waterline
c/o Suzanne ~~Quinn~~ *Quinn*
1300 Executive Center Drive, #414
Tallahassee, FL 32301

930944-w 5

2590 Hickory Ridge Road
Tallahassee, Florida 32308
386-6582

September 19, 1994

Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0870



FPSC-RECORDS/REPORTING

Dear Mrs. Bayo:

As of September 7, 1994, I requested to be listed as an "interested party" on the following dockets:

1. Docket No. 940381-WS - North Naples Utilities, Inc.
2. Docket No. 930763-SU - Homosassa Utilities, Inc./RHV Utility, Inc.
3. Dockets Nos. 900400-WU and 900217-WS- Wilderness Home Owners Association, Inc./Poinciana Utilities, Inc.
4. Docket No. 931216-WS - Orange Tree Utility Company
5. Docket No. 940254-WU - Air Base Motor Court
6. Docket No. 930758-WS - Southern States Utilities, Inc.
7. Docket No. 920649-WU - Cynwyd Investments/Tamiami Village Utility, Inc.
8. Docket No. 930826-WS - Utilities, Inc.
9. Docket No. 930912-WS - Poinciana Utilities, Inc.

I would now like to be listed as an "interested party" on all current water and wastewater dockets open as of this date. If you wish me to write a separate request listing those specific dockets, I will require a list of all current dockets in order to be able to do that. I am already subscribing to the "Summary of New Dockets" report and I will submit a new request for the new water and wastewater dockets each time I receive that report.

above & attached list
9/19

I am interested in all water and wastewater dockets, including rulemaking, declaratory statement, or other dockets handled by appeals, because I am publishing a reporter, called *The Waterline*, on the Florida Public Service Commission's regulatory activities in regard to water and wastewater utilities. Therefore, I will need to be kept

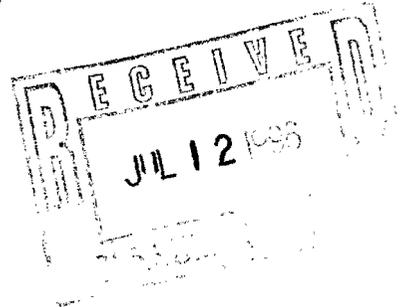
John J. Dingfelder

ATTORNEY AT LAW

P.O. Box 14434 • Tampa, Florida • 33690
813-251-1303

July 10, 1996

Lila Jaber, Esq.
Division of Legal Services
Public Service Commission
101 East Gaines St. Room 233
Tallahassee, FL 32399-6562



Re: Shady Oaks Mobile-Modular Estates, Inc.
Docket No. 930944-WS

Dear Ms. Jaber:

I am writing to you on behalf of my clients Richard and Caroline S. Sims and the above-referenced corporation. As you may have heard, I undertook the representation of the owners of the Shady Oaks Water and Sewer System (the "System") last year in regard to the County's action in Pasco County Court.

As I am sure you recall, once the Commission revoked the Shady Oaks Certificates in August, 1994, the County promptly moved to be appointed "Temporary Receiver" of the System. The County has served in that capacity since. In early 1996, the County sought to become the "Permanent Receiver" of the System. My clients never actively opposed said appointment; however, they have made it abundantly clear that they never abandoned the System pursuant to Section 367.165 Florida Statutes and that they would pursue any "just compensation" due them for the taking of the System by the County.

The Assistant County Administrator for Utility Operations recently admitted in deposition that neither the Sims, nor the Corporation, had ever "abandoned" the System in accordance with the above-referenced legislative standard. [Likewise, my clients were on solid ground in arguing that the System has value, especially in light of the PSC's 1990 Schedule No.5-B analysis that indicated that the Systems had a combined Gross Book Value of \$480,000.00 with only \$46,000.00 in depreciation taken.] Facing the prospect of having to actually pay my clients for the "taking" of their property, the County recently voted unanimously to withdraw its Motion for Permanent Receivership and directed the County Attorney's Office to assist the Residents in their efforts to acquire and operate the System (See Unofficial Transcript of May, 1996 BOCC Meeting attached hereto).

Just so there is no misunderstanding, my clients do not have any great desire to once again operate the System; however, as stated above, they likewise refuse to relinquish their right to just compensation for the fair market value of the System. They have always expressed their willingness to negotiate a settlement with the County; however, the County never came to the table as it clearly wanted to take the System for "nothing". My clients are now attempting to enter into good faith negotiations with the residents of Shady Oaks in order to facilitate their acquisition of the System. (Incidentally, my clients sold the Shady Oaks Homeowners Association certain other "common areas" and have held and serviced a purchase money mortgage on said transaction for a number of years.)

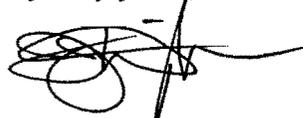
The reason I am writing to you at this time is to seek your assistance in facilitating the sale of the Corporation and the System to the Homeowner's Association. Obviously, you probably are thinking that I am a bit deranged to even suggest that the Staff and Commission work with us on this issue in light of the Commission's history with this matter. However, if you are able to set aside the history and personalities associated with this case and look at the Commission as a catalyst for a workable local solution, I believe that you will find it in your power to work with all involved solely for the benefit of the residents of Shady Oaks and Pasco County.

Specifically, I would like to have Staff's assistance and support on a Petition whereby the Corporation would request that the Commission forever waive any fines (\$62,572.00), penalties, interest, regulatory assessment fees (\$13,127.00) and escrow related charges (\$24,000.00) associated with the System. This waiver would be wholly contingent upon the sale of the System to the Residents, or if the Residents refuse to purchase the System, to a responsible party wholly unrelated to the Sims, and acceptable to the Commission. I believe that this Petition makes sense for several reasons. First, once the Certificates were revoked and the County was appointed "Temporary Receiver" the only revenue stream possibly available to pay the fines or fees has been eliminated. Second, by eliminating this "cloud" over the system, the Commission will facilitate the acquisition of the System under reasonable terms. This is especially true in light of the fact that the County has stated that it will honor its commitment made to the corporation many years ago to forego any impact fees associated with the ultimate connection of the sewer system to the County's Central system. Finally, this proposal is wholly consistent with an earlier order from the Commission whereby the Utility was advised that certain fines and delinquent fees could be waived if the System was sold to a responsible party.

I appreciate your consideration and look forward to the opportunity to discuss this matter with you further at your earliest convenience.

cc: Frances J. Lingo
Pete Burghardt
Brenda Arnold
Sims
Pasco County Attorney

Very truly yours,



John J. Dingfelder

ORIGINAL

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

July 27, 1998

Ms. Barbara L. Wilhite, Esquire
Chief Asst. County Attorney
West Pasco Government Center
7530 Little Road
New Port Richey, Florida 34654

Re: Docket No. 900025-WS - Application for staff-assisted rate case in Pasco County by Shady Oaks Mobile-Modular Estates, Inc.

Docket No. 930944-WS - Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S issued to Shady Oaks Mobile-Modular Estates, Inc. in Pasco County, pursuant to Section 367.111(1), F.S.

Dear Ms. Wilhite:

Enclosed is a copy of the Staff Recommendation filed in this matter on July 23, 1998. The Commission is expected to consider this Recommendation at its August 4, 1998, Agenda Conference which will be held in Room 148, Betty Easley Conference Center, 4075 Esplanade Way, in Tallahassee beginning at 9:30 a.m. Due to the number of items to be covered at this conference, we cannot state the exact time at which this item will be heard. You are welcome to come to this Agenda Conference and observe and/or participate in the discussion of this item. If you have any questions, please feel free to call me at (850) 413-6220.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC _____
- WAS _____
- OTH _____

Sincerely,

Lila A. Jaber, Chief
Division of Legal Services
Bureau of Water and Wastewater

LAJ/dr
cc: Division of Water and Wastewater (Betha, Rieger, Galloway)
Division of Records and Reporting

DOCUMENT NUMBER - DATE
~~07901 JUL 27 86~~
PPSC-RECORDS/REPORTING

From: Kay Flynn CONFIRMED
To: Brad Martin
Subject: fwd: 900025/930944

====NOTE=====8/17/98==9:53am==

Brad, have you received any recent returned mail for either of these dockets?
Kay

Fwd=by:=-Brad=Martin===8/17/98=10:02am==
Fwd to: Kay Flynn

.....
yes. If memory serves correct, only from individuals -- none of the utility or law firm addresses.

Fwd=by:=-Kay=Flynn=====8/17/98=10:38am==
Fwd to: Brad Martin

.....
I have a letter dated 8/11/98 from R.D. Sims (the utility) and I notice the address on his letter is different from what we have on the parties list. However, we haven't received an address change from Mr. Sims, nor has any mail been returned--though we are dealing with a utility whose certificates were revoked in 1994. Please do the following on the parties lists, to ensure Mr. Sims receives a copy of the final order in these dockets:

- 1. Leave the utility address as is on both parties lists.
- 2. Add the following as an interested person on both lists (print my e-mail for the correspondence file):

R.D. Sims
1315 Eckles Drive
Tampa FL 33612
(tel: 932-3177)

Also, let me know if you DO get returned mail--in this case, the agenda notice we would have mailed out around 7/24--for either docket.

Additionally, continue posting returned mail on the comments screen--and deleting from the interested persons list as appropriate--and then filing in the correspondence file in all dockets. Let me know if questions. Thanks. Kay

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

August 28, 1998

Mr. George Miller
P.O. Box 687
DeFuniak Springs, Florida 32433

Dear Mr. Miller:

Pursuant to our August 27, 1998 meeting, I have enclosed copies of documents you requested from the Shady Oaks revocation proceeding. You should also find a copy of the resolution passed by Polk County in May, 1996 relinquishing jurisdiction to the Public Service Commission.

If we can provide you with additional information, please contact me at (850) 413-6199 or John Williams at (850) 413-6986.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. A. Jaber".

Lila A. Jaber, Chief
Division of Legal Services
Bureau of Water and Wastewater

LAJ/dr

Enclosures

cc: Division of Water and Wastewater (Williams)

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RECORDS AND
REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Revocation by Florida) DOCKET NO. 930944-WS
Public Service Commission of) ORDER NO. PSC-94-0976-FOF-WS
Certificates Nos. 451-W and 382-) ISSUED: August 11, 1994
S Issued to SHADY OAKS MOBILE-)
MODULAR ESTATES, INC. in Pasco)
County, Pursuant to Section)
367.111(1), F.S.)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
DIANE K. KIESLING

APPEARANCES:

LILA A. JABER, ESQUIRE, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0863
On behalf of the Commission Staff.

DAVID SMITH, ESQUIRE, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0862
On behalf of the Commissioners.

FINAL ORDER REVOKING CERTIFICATES

BY THE COMMISSION:

Based on the record created at the hearing held on August 4, 1994, in Zephyrhills, Florida, the Commission decided on that date, to revoke the water and wastewater certificates issued to Shady Oaks Mobile-Modular Estates, Inc. (Shady Oaks or utility). We find it appropriate to first set out below the background for this proceeding. Our findings of fact, law, and policy, upon which this decision was based, are provided thereafter.

BACKGROUND

Shady Oaks is a Class C water and wastewater utility located in Pasco County. Based on information contained in the utility's 1993 annual report, the water system generated operating revenues of \$27,311 and incurred operating expenses of \$37,310, resulting in a net operating loss of \$9,999. The wastewater system generated

ORDER NO. PSC-94-0976-FOF-WS
DOCKET NO. 930944-WS
PAGE 2

operating revenues of \$40,967 and incurred operating expenses of \$42,651, resulting in a net operating loss of \$1,684.

On March 7, 1989, the utility signed a Consent Final Judgment with the Department of Environmental Protection (DEP). Pursuant to the terms of the Consent Final Judgment, the utility agreed to construct an additional effluent disposal system, to eliminate discharge from the plant, and to establish a new percolation pond. The utility agreed to submit an application for a construction permit within 60 days of the date of the order.

On January 10, 1990, Shady Oaks applied for a staff-assisted rate case (Docket No. 900025-WS). On February 8, 1991, the Commission issued proposed agency action (PAA) Order No. 24084, which approved a rate increase and required the utility to do the following:

- 1) File a request for acknowledgement of a restructure and a name change;
- 2) Bring the quality of service to a satisfactory level;
- 3) Spend at least 85 percent of the allowance for preventative maintenance, or submit a written schedule showing what monthly maintenance will be implemented, along with a statement of the reasons such funds were not spent for preventative maintenance;
- 4) Install meters for all of its customers; and
- 5) Escrow a certain portion of the monthly rates.

The utility was also authorized to charge flat rates for six months, at the end of which time the base facility charge rate structure became effective. In that case, the base facility charge rates automatically became effective on October 1, 1991.

On June 24, 1991, in response to a suit filed by the homeowners, Judge Lynn Tepper with the Circuit Court of the Sixth Judicial Circuit in and for Pasco County, Florida, granted an emergency temporary injunction enjoining and restraining the utility from charging or attempting to collect the new utility rates.

On July 5, 1991, Judge Wayne L. Cobb with the Circuit Court of the Sixth Judicial Circuit in and for Pasco County, Florida, issued an Order to Show Cause why Shady Oaks should not be punished for contempt of Court for willfully and deliberately violating a 1983 order of the court that prohibited the utility from charging more than \$25 per month as a service maintenance fee (which included the provision of water and wastewater service). The July 5, 1991, order further enjoined the utility from collecting the utility

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FPSC-RECORDS/REPORTING

rates established by this Commission and ordered that the \$25 per month service maintenance fee be tendered to the Clerk of the Circuit Court. In August 1991, both injunctions were lifted and the utility was able to begin collecting revenues.

The utility never applied for its construction permit as required by the Consent Final Judgment. Therefore, on July 8, 1991, as a result of a stipulated settlement of a motion for contempt brought against the utility by DEP, Judge Lynn Tepper ordered the utility to interconnect its wastewater system with Pasco County, rather than construct new disposal facilities. The utility was given six months from the date of the order to complete the interconnection. The utility failed to interconnect its wastewater system to Pasco County. In addition, the utility was operating without a permit from DEP.

On November 4, 1991, the Commission issued Order No. 25296, which determined the utility's noncompliance with Order No. 24084. Order No. 25296 required the utility to:

- 1) Submit all necessary information for changing its certificated name, or revert to operating under its currently certificated name;
- 2) Immediately place in the escrow account all funds necessary to bring said account to its proper balance;
- 3) Install water meters for all of its customers; and
- 4) Improve the quality of service and interconnect with the Pasco County wastewater treatment system.

Because numerous customers did not pay their utility bills as a result of a court dispute over the utility's rates, Order No. 25296 allowed the utility to charge the flat rates for an additional five months. Beginning in December 1991, the utility once again began charging flat rates.

By Order No. PSC-92-0367-POF-WS, issued May 14, 1992, the Commission imposed a \$2,000 fine that had been previously suspended, and ordered the utility to show cause why it should not be fined for each item of noncompliance found in Orders Nos. 24084 and 25296. At the utility's request, these matters were set for hearing. By Order No. PSC-92-0356-POF-WS, also issued May 14, 1992, the Commission ordered the utility to issue credits to those customers who had paid a delinquent purchased power bill for the utility.

In June 1992, the utility completed the installation of all of the required water meters. By Order No. PSC-92-0723-POF-WS, issued July 28, 1992, the Commission ordered the utility to implement the

base facility and gallonage charge rates that had been approved in Order No. 24084. The utility implemented the new rates effective September 25, 1992.

In July 1992, the utility requested that the escrow requirements set forth in Orders Nos. 24084 and 25296 be suspended for a period of several months. By Order No. PSC-92-1116-POF-WS, issued October 5, 1992, the Commission denied the utility's request to suspend the escrow account requirements. On October 26, 1992, the utility timely filed a protest to that Order.

A hearing regarding the utility's noncompliance with Orders Nos. 24084 and 25296 was held on January 7, 1993 in Zephyrhills, Florida. The utility, although it requested the hearing, did not attend the hearing. By Order No. PSC-93-0542-POF-WS, issued April 9, 1993, the Commission:

- 1) Fined the utility in the amount of its rate base, or \$60,572;
- 2) Ordered that a proceeding be initiated to reduce the utility's rates by the amount of pro forma plant not constructed and the amount of preventative maintenance not spent; and
- 3) Ordered that revocation proceedings be initiated.

The utility filed a Motion for Reconsideration of Order No. PSC-93-0542-POF-WS. By Order No. PSC-93-1396-POF-WS, issued September 27, 1993, the Commission denied the Motion for Reconsideration and ordered the utility to sell or transfer the utility within 120 days of the issuance date of the order. The Commission also voted to suspend the fine if a completed application for a transfer was timely submitted. The utility failed to transfer or interconnect the system within the 120 days. Therefore, the \$60,572 fine is due and payable. On October 19, 1993, the utility filed a Notice of Administrative Appeal of Order No. PSC-93-0542-POF-WS.

In preparation for the prehearing relating to the escrow requirements, Commission staff met with the utility in an attempt to resolve certain concerns of the utility. Specifically, the utility contended that it was unable to meet its escrow requirements due to a shortfall in revenues collected. This Commission agreed to have staff review the utility's contended revenue shortfall within the context of the proceeding to reduce the utility's rates. Consequently, the utility withdrew its escrow-related protest. Therefore, the prehearing and hearing relating to the escrow accounts were cancelled by Order No. PSC-93-0777-PCO-WS, issued May 20, 1993. By Order No. PSC-93-1733-POF-WS,

issued December 1, 1993, the Commission reduced Shady Oaks' rates to reflect removal of proforma plant not constructed and preventative maintenance not spent and required a refund.

On September 23, 1993, the Commission, pursuant to Section 367.111(1), Florida Statutes, and in accordance with Order No. PSC-93-0542-POF-WS, noticed its intent to initiate revocation of certificates Nos. 451-W and 382-B issued to Shady Oaks. On October 1, 1993, Shady Oaks timely filed an objection to the Notice. Accordingly, this matter was scheduled for an administrative hearing. This Order reflects our final decision in this revocation proceeding.

By a February 18, 1994 Agreed Order Granting DEP's Motion for Contempt, Judge Lynn Tepper ordered Shady Oaks to interconnect its wastewater treatment facility with Pasco County or sell the system within 120 days of the date of the Order, or June 18, 1994. On June 15, 1994, Judge Lynn Tepper granted in part and denied in part Shady Oaks' Motion for Extension of Time to Comply With Court Order. Judge Tepper ordered Shady Oaks to sell or convey its wastewater treatment facility free and clear of any encumbrances by July 18, 1994. The utility's request to extend the date on the option of the utility's interconnecting the system was denied.

On July 19, 1994, Attorney Gerald T. Buhr filed a Notice of Withdrawal of Counsel, wherein Mr. Buhr notified the Commission that his firm no longer represents Shady Oaks. Further, Mr. Buhr notified the Commission that Shady Oaks filed for bankruptcy on July 14, 1994, in the Tampa Division of the United States District Court for the Middle District of Florida, under Case No. F94-6876-8G1. By Order No. PSC-94-0809-PCO-WS, the Prehearing Officer ordered Shady Oaks to file a status report on the Circuit Court action by July 20, 1994. To date, the status report has not been filed.

Additionally, the utility owner, Richard D. Sims, failed to attend his deposition, which was noticed on July 11, 1994, to be taken at 10:00 a.m. on July 22, 1994, at the Florida Public Service Commission in Tallahassee, Florida. The utility also failed to attend the Prehearing Conference held on Friday, July 22, 1994, in Tallahassee, Florida. As a result, at the Prehearing Conference, the Commission Staff made an ORA INTERIM Motion for Sanctions, wherein it requested that the utility's prefiled testimony for Richard D. Sims be stricken. On July 26, 1994, Staff filed a written motion consistent with the ORA INTERIM Motion. Staff's Motion for Sanctions was granted.

The revocation hearing was held on August 4, 1994, in Sephyr Hills, Florida. Approximately forty customers attended the hearing. Five customers testified at the hearing. Six customers represented that they agreed with the previous customer testimony. Although the utility owner was present at the hearing, he refused to cross-examine any customers or any of the three staff witnesses. After hearing all of the evidence presented at the hearing, we found that it was appropriate to make a bench decision regarding this matter. All of our findings are discussed in greater detail below.

FINDINGS OF FACT, LAW, AND POLICY

Having considered the evidence presented, we hereby enter our findings of fact, law, and policy.

TECHNICAL ABILITY

As stated earlier in the background, five customers testified at the hearing. One of the customers testified that: 1) water service was shut off to the entire community four times during January and February, 1994, with no prior notice; 2) the customers have reported leaks to the utility, which has not responded; 3) office hours are not observed by utility personnel; 4) Mr. Sims' manner is often insulting, confrontational, intimidating, rude, and on occasion, vulgar and profane; and 5) the utility does not offer adequate means for emergency communications and response. The other four customers supported the comments discussed above.

Staff witness Burghardt, an Environmental Specialist in DEP's Domestic Wastewater Section testified that he visited the utility plant site four times in his official capacity with DEP. He testified that the utility's wastewater quality of service remains unsatisfactory. Further, Mr. Burghardt testified that, on October 21, 1986, the utility signed a consent order, included in Composite Exhibit 16, with DEP that specified timeframes for making necessary improvements to the wastewater facility. Those timeframes were not adhered to.

Mr. Burghardt further testified that, on March 7, 1989, Shady Oaks and DEP entered into a Consent Final Judgement which established deadlines for the utility to eliminate unauthorized discharge from the plant site. This was to be accomplished by way of constructing additional effluent disposal capacity. Failing to comply with that judgment, a motion for contempt was filed and the utility was again taken back to circuit court.

On July 8, 1991, another stipulated settlement was reached and the utility was ordered to remove its sewage treatment plant from operation and divert all of its flow to Pasco County's sewage collection system within six months of that order. Witness Burghardt testified that despite the utility's promises, compliance was not reached and DEP was forced to file another motion for contempt of a court order in December, 1993. The Agreed Order granting DEP's Motion for Contempt, dated February 18, 1994, hereinafter referred to as "Agreed Order," ordered the utility to remove the plant from service, took notice that the Commission has ordered that a revocation proceeding be initiated to revoke the utility's certificates for failure to comply with, among other things, the court's order, and found the utility's president, Richard D. Sims, as the person responsible for complying with the court's order. Mr. Burghardt testified that the Agreed Order, included in Composite Exhibit 16, provided that the utility may purge itself from contempt by complying with one of the following options: connect with the Pasco County collection system in 120 days and decommission the plant within 30 days after the connection; sell or convey ownership to a non related party within 120 days; or, if failing to do the above mentioned options, the Court shall order the Sheriff to incarcerate Mr. Sims in the county jail until such time as the utility complies.

Mr. Burghardt testified that near the expiration of the 120 days, the utility requested an extension of time to comply with the Agreed Order. The Court granted in part and denied in part. The Court stated in this Order, dated June 23, 1994, that Mr. Sims had to sell or convey the utility by July 18, 1994, and interconnection was no longer an option. As of the date of the hearing, Mr. Sims still had not complied with the Court's June 23, 1994, Order.

Mr. Burghardt further testified that at his last inspection of the utility's wastewater facility, on July 20, 1994, it was still evident to him that no operation and maintenance work was being conducted at the facility. Mr. Burghardt testified that: 1) the area around the pond was overgrown; 2) the effluent was too turbid to do the proper testing for a chlorine residual; 3) the utility did not have a functioning chlorinator; 4) the utility's lift station and collection system did not meet DEP requirements with respect to location, reliability and safety; and 5) the last monthly operating reports were submitted to DEP in December, 1993.

In addition, Mr. Burghardt testified that the utility's operating permit for its wastewater treatment facility expired in March, 1986 and the utility has since been operating without a permit. Witness Burghardt further testified that during his February 17, 1994, and July 20, 1994, inspections, he did not see

any certified operators and the utility had made no log entries since June, 1992.

Staff witness Arnold, a specialist in DEP's water section, testified that at an August 3, 1993, inspection, the overall maintenance of the treatment plant and distribution facility was not satisfactory. However, at her last inspection on July 1, 1994, the overall maintenance of the water facilities appeared satisfactory. However, after hearing the customer testimony, Ms. Arnold testified that she was unaware of some of the concerns and complaints expressed by the customers and requested that, in the future, the Shady Oaks customers should call the DEP office.

Based on the evidence in the record, we find that: 1) the utility has been found in contempt of court regarding noncompliance with DEP's rules and regulations; 2) the utility has not complied with the Commission's prior orders; 3) the wastewater treatment facility has not had a DEP operating permit since March 1986; 4) the utility does not have certified operators as required by Chapter 17-602, Florida Administrative Code; 5) the utility's lift station and collection system does not meet DEP requirements with respect to location, reliability and safety; 6) the overall maintenance of the wastewater treatment plant, collection, and disposal facilities is unsatisfactory; and 7) the overall quality of service of the wastewater system is unsatisfactory. Accordingly, we find that Shady Oaks lacks the technical ability to continue operating as a certificated utility.

REGULATORY ASSESSMENT FEES

Sections 350.113 and 367.145, Florida Statutes, require that each regulated utility shall pay to the Commission a fee, based on the utility's gross operating revenues, which shall not exceed 4.5 percent of the utility's gross operating revenues.

Staff witness Lingo testified and Exhibit 15 reflects that the utility owes \$2,063 associated with its 1990 regulatory assessment fees, \$3,184 associated with its 1991 regulatory assessment fees, \$4,000 associated with its 1992 regulatory assessment fees, and \$3,879 associated with its 1993 regulatory assessment fees, for a total amount owed of \$13,127. Ms. Lingo testified that the amounts through 1992 include all penalties and interest calculated through March 31, 1994; and the amounts for 1993 include penalties and interest calculated through July 31, 1994.

Based on the foregoing, we find that Shady Oaks has not complied with Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code. We find that the

total amount of delinquent regulatory assessment fees is \$13,127. Therefore, Shady Oaks shall remit to the Florida Public Service Commission regulatory assessment fees in the amount of \$13,127.

ESCROW ACCOUNT BALANCE AND DISPOSITION OF ESCROW

We find that the current balance in the escrow account as of July 22, 1994, the date of the prehearing conference, is \$9,610. The Commission lacks the information necessary to calculate the appropriate balance in the escrow account as of the date of the prehearing conference; however, the appropriate balance at October 31, 1993 was \$33,352. Therefore, Shady Oaks shall provide our Staff with all documents necessary to calculate the appropriate balance in the escrow account as of July 22, 1994. Since we have found it appropriate in a later portion of this Order to revoke Shady Oaks' certificates, the Commission will not authorize the release of the escrow monies until a receiver is appointed. At that time, the Commission will allow the escrow monies to be released to a duly appointed receiver so that the entire balance of all monies currently in the escrow account can be refunded to the customers in accordance with Order No. PSC-93-1733-POF-WS. The total calculated underfunding of the escrow account, less the share of the escrow requirement relating to the water meters, shall be refunded to the utility's customers in the form of credits on the customers' bills. The refund shall be paid with interest, pursuant to Rule 25-30.360(4), Florida Administrative Code. The share of the escrow requirement relating to the water meters, or \$2,451, shall be credited to the utility to recognize the portion of the escrow requirement relating to those meters. The utility shall apply all of its net operating income each month toward the customer refunds until the appropriate total refund associated with the escrow underfunding has been made.

FINANCIAL ABILITY

Staff witness Lingo testified regarding the history of events involving Shady Oaks, and Shady Oaks' continued areas of noncompliance with Commission statutes, rules and orders, and Shady Oaks' financial ability to operate the utility. Specifically, Ms. Lingo testified that the utility: 1) has a history of misappropriating funds; 2) owes the Commission outstanding fines totalling \$62,572; 3) owes the Commission outstanding regulatory assessment fees of approximately \$13,127; 4) owes its customers approximately \$24,000 associated with underfunding of its escrow account, as of October 31, 1993; 5) has never complied with Orders Nos. 24084 and 25296 with respect to the name change and restructure requirements, or with respect to bringing its quality of service to a satisfactory level; and 6) has never complied with

the preventative maintenance requirements or the escrow requirements established by prior Commission orders.

Ms. Lingo testified that Shady Oaks did fulfill the requirement of installing water meters for all of its customers by June, 1992, a date which was 74 days past an already extended deadline for making the installations. Ms. Lingo further testified that a hearing regarding the utility's noncompliance with Orders Nos. 24084 and 25296 was held on January 7, 1993, in Zephyrhills, Florida. That hearing was requested by the utility, but it chose not to attend.

With respect to misappropriation of funds, Ms. Lingo testified that she discovered that the utility made several nonutility expenditures. Although there had been other nonutility expenditures, as evidenced by Exhibit 14, Ms. Lingo testified that the utility owner paid his home local telephone bill, purchased power at the Shady Oaks recreation center, paid for long distance telephone charges made from the utility owner's home, paid for gas and other consumer credit cards, personal car insurance, newspaper and magazine subscriptions, and made contributions to political organizations, with utility funds. Ms. Lingo testified that the utility expended approximately \$21,000 in monies that were of a nonutility or prior period nature.

Upon consideration of all of the evidence presented at the hearing, we find that Shady Oaks has misappropriated utility funds, underfunded the escrow account established to allow the utility to collect sufficient revenues to make the necessary improvements, and neglected to pay the outstanding Commission fines and regulatory assessment fees. Accordingly, we find that Shady Oaks lacks the financial ability to continue operating as a certificated utility.

WILLFUL VIOLATION OF STATUTES, RULES, AND ORDERS

As stated earlier in the background, by Orders Nos. 24084 and 25296, the Commission ordered Shady Oaks to file a request for acknowledgement of a restructure and a name change in accordance with Rule 25-30.037, Florida Administrative Code. Staff witness Lingo testified that Mr. Sims transferred the title of the utility land from Shady Oaks Mobile-Modular Estates, Inc. to Richard D. and Caroline Sue Sims. The utility's name was also changed, from Shady Oaks Mobile-Modular Estates, Inc. to S & D Utility. Ms. Lingo testified that neither the transfer nor the name change was approved by the Commission. To date, the name change and restructure requirements found in Rule 25-30.037 and Orders Nos. 24084 and 25296 have not been met, and we find that Shady Oaks is in violation of Rule 25-30.037, Florida Administrative Code, and

Orders Nos. 24084 and 25296 with respect to all of the name change requirements.

By Order No. 24084, the utility was ordered to bring the quality of service to a satisfactory level, spend at least 85 percent of the allowance in rates for preventative maintenance, or submit a written schedule showing what monthly maintenance will be implemented, along with a statement of the reasons such funds were not spent for preventative maintenance, install meters for all of its customers, and escrow a certain portion of the monthly rates for the \$2,000 fine imposed on the utility by the Commission. With the exception of the installation of the meters, to date, the requirements of Order No. 24084 with respect to quality of service have not been fulfilled. As a result, we find that Shady Oaks is in violation of Order No. 24084 with respect to quality of service.

By Order No. 25296, after finding that the utility's quality of service had deteriorated, the Commission required the utility to interconnect its wastewater system with Pasco County as agreed to in the Consent Final Judgment, discussed earlier. As of the date of the hearing, no interconnection has occurred. Therefore, we find that Shady Oaks is also in violation of Order No. 25296 with respect to quality of service.

By Order No. PSC-93-0542-POF-WS, after finding that Shady Oaks was in noncompliance with Commission statutes, rules, and orders, and had failed to improve its quality of service, the Commission fined Shady Oaks \$60,572. By Order No. PSC-93-1396-POF-WS, the Commission stated that it would suspend the fine if the utility submitted a completed transfer application for transfer or cancellation of its water and wastewater certificates within 120 days of the issuance of that Order. Shady Oaks failed to transfer the utility pursuant to an interconnection or sale, and the \$60,572 fine has become due and payable. To date, Shady Oaks has not paid the \$60,572 fine.

Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, require that each utility shall remit regulatory assessment fees based upon 4.5 percent of a utility's gross operating revenues. Ms. Lingo testified that Shady Oaks failed to remit regulatory assessment fees for the years 1990, 1991, 1992 and 1993. Therefore, we find that Shady Oaks is in violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code.

To date, the utility has not complied with Order No. 24084 with respect to the name change and restructure requirements. To date, the utility has not complied with Order No. 25296 with

respect to improving its quality of service, the name change and restructure requirements, and the escrow requirements. We find that the utility has demonstrated a willful and flagrant disregard of Chapter 367, Florida Statutes, Commission rules, and Orders.

REVOCATION OF CERTIFICATES

Pursuant to Sections 367.111(1) and 367.165, Florida Statutes, and based upon all of the evidence presented in the record, we find it appropriate to revoke Certificates Nos. 451-W and 382-S, issued to Shady Oaks Mobile-Modular Estates, Inc. Within ten days of issuance of this Order, the utility shall surrender to the Commission Certificates Nos. 451-W and 382-S. Furthermore, the utility shall make available all utility books and records to a duly appointed receiver to ensure the adequate operation of the utility.

CONCLUSIONS OF LAW

1. The Commission has the authority to revoke the certificates held by Shady Oaks Mobile-Modular Estates, Inc., pursuant to Sections 367.111(1) and 367.165, Florida Statutes.
2. The Commission has jurisdiction to determine the water and wastewater rates and charges of Shady Oaks Mobile-Modular Estates, Inc., pursuant to Sections 367.081 and 367.101, Florida Statutes.

Based on the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 451-W and 382-S, issued to Shady Oaks Mobile-Modular Estates, Inc., shall be revoked. The utility, located at 38616 Shady Oaks Drive, Zephyrhills, Florida, 33540-6526, shall surrender its Certificates within ten days of issuance of this Order. It is further

ORDERED that Shady Oaks Mobile-Modular Estates, Inc., shall remit to the Florida Public Service Commission delinquent regulatory assessment fees in the amount of \$13,127. It is further

ORDERED that Shady Oaks Mobile-Modular Estates, Inc., shall remit to the Florida Public Service Commission the amount of outstanding fines, or a total of \$62,572. It is further

ORDER NO. PSC-94-0976-FOF-WS
DOCKET NO. 930944-WS
PAGE 13

ORDERED that Shady Oaks Mobile-Modular Estates, Inc., shall provide our Staff with all documents necessary to calculate the appropriate balance in the escrow account as of July 22, 1994. It is further

ORDERED that the balance in the escrow account will not be released until a receiver is appointed by the Court. At such time, the Commission will authorize the release of the entire amount of escrow monies to the duly appointed receiver so that a refund can be made to the utility customers in accordance with Order No. PSC-93-1733-FOF-WS. The total calculated underfunding of the escrow account, less the share of the escrow requirement relating to the water meters, shall be refunded to the utility's customers in the form of credits on the customers' bills. The refund shall be paid with interest, pursuant to Rule 25-30.360(4), Florida Administrative Code. It is further

ORDERED that the share of the escrow requirement relating to the water meters, or \$2,451, shall be credited to the utility to recognize the portion of the escrow requirement relating to those meters. The utility shall apply all of its net operating income each month toward the customer refunds until the appropriate total refund associated with the escrow underfunding has been made.

By ORDER of the Florida Public Service Commission, this 11th day of August, 1994.

BLANCA S. BAYO, Director
Division of Records and Reporting

by: Kary Hagan
Chief, Bureau of Records

(S E A L)

LAJ

ORDER NO. PSC-94-0976-FOF-WS
DOCKET NO. 930944-WS
PAGE 14

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

RESOLUTION

WHEREAS, Section 367.171, Florida Statutes, provides that a county may confer jurisdiction on the Florida Public Service Commission over private water and wastewater utilities as set forth in Chapter 367, Florida Statutes; and

WHEREAS, the Polk County Board of County Commissioners desires to so confer jurisdiction;

NOW, THEREFORE, the Polk County Board of County Commissioners resolves pursuant to Section 367.171, Florida Statutes, to confer jurisdiction on the Public Service Commission over those matters set forth in Chapter 367, Florida Statutes, relating to private water and wastewater utilities as defined therein.

DATED this 14 day of May, 1996.

STATE OF FLORIDA)
)
COUNTY OF POLK)

I, E. D. "Bud" Dixon, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of a Resolution conferring jurisdiction on the Public Service Commission over those matters set forth in Chapter 367, Florida Statutes, relating to private water and wastewater utilities which was adopted by the Board on the 14th day of May 1996.

WITNESS my hand and official seal on this 20th day of May, 1996.

E. D. "BUD" DIXON
Clerk and Auditor

(SEAL)

By Marie E. Kessler
Marie E. Kessler
Deputy Clerk

**POLK COUNTY
BOARD OF COUNTY COMMISSIONERS**

**CONSENT AGENDA
COUNTY MANAGER
ITEM XII.A**

Ken Richardson, Dist. 1 Nancy Rouse Caldwell, Dist. 2 Marlene Young, Dist. 3
Jerry Carter, Dist. 4 Neil Combee, Dist. 5
Richard L. Hedrick, County Manager

AGENDA REQUEST

May 14, 1996

TO: Board of County Commissioners
Richard L. Hedrick, County Manager

THROUGH: Darrell W. Gunn, Public Works Director

FROM: Donald A. Crawford, Utilities Director

SUBJECT: CONSENT AGENDA -- MAY 14, 1996
ADOPTION OF RESOLUTION TO CONFER JURISDICTION ON
THE PUBLIC SERVICE COMMISSION OVER MATTERS
RELATING TO PRIVATE WATER AND WASTEWATER
UTILITIES AND SET PUBLIC HEARING DATE OF
SEPTEMBER 3, 1996 AT 1:30 P.M. TO REPEAL POLK
COUNTY ORDINANCE 82-11, THE POLK COUNTY WATER AND
SEWER SYSTEM REGULATORY ORDINANCE.

APPROVED
Polk County Board of
County Commissioners

Date: 5/14/96
Initial: mgm

STATEMENT OF ISSUE

Board of County Commissioners' adoption of a Resolution to confer jurisdiction on the Public Service Commission over matters relating to private water and wastewater utilities and set Public Hearing date of September 3, 1996 at 1:30 P.M. to repeal Polk County Ordinance 82-11, the Polk County Water and Sewer System Regulatory Ordinance.

ANALYSIS

On May 7, 1996, the Board voted to transfer jurisdiction of private water and wastewater utilities to the Florida Public Service Commission (PSC). The attached resolution provides for this transfer of jurisdiction. The County Attorney's office has been advised by PSC legal staff that the transfer of jurisdiction does not effect any pending regulatory franchise actions.

This Resolution transfers regulatory actions relating to private water and wastewater utilities in Polk County to the PSC effective immediately upon its passage, however the County will maintain jurisdiction of six (6) pending franchise actions until their resolution. These specific actions along with target completion dates, are identified below:

BoCC Consent Agenda -- May 14, 1996

RE: ADOPTION OF RESOLUTION TO CONFER JURISDICTION ON THE PUBLIC SERVICE COMMISSION OVER MATTERS RELATING TO PRIVATE WATER AND WASTEWATER UTILITIES AND SET PUBLIC HEARING DATE OF SEPTEMBER 3, 1996 AT 1:30 P.M. TO REPEAL POLK COUNTY ORDINANCE 82-11, THE POLK COUNTY WATER AND SEWER SYSTEM REGULATORY ORDINANCE.

Page 2

<u>FRANCHISE</u>	<u>ACTION</u>	<u>TARGET COMPLETION DATE</u>
Skyview Receivership	Emergency & Permanent Rate Application & other matters involving receivership	June 4, 1996
Garden Grove	Request by Emmer Development to be removed from franchise area	June 4, 1996
Grenelefe	Rate Application	July 2, 1996
Village Water	Rate Application	July 16, 1996
Cypress Lakes	Franchise Agreement & Rate Application	August 6, 1996
Crooked Lake Park	Rate Application	August 20, 1996

Finally, as a housekeeping measure, the Board needs to set a Public Hearing date to repeal Polk County Ordinance No. 82-11, the Polk County Water and Sewer System Regulatory Ordinance (suggested hearing date is September 3, 1996 at 1:30 P.M.). This date has been scheduled for after the last target completion date of the above listed pending franchise actions.

RECOMMENDATION

It is the recommendation of Administration, the County Attorney's office and the Deputy Clerk and Auditor to the Board that the Board adopt the Resolution to confer jurisdiction on the Public Service Commission over matters relating to private water and wastewater utilities and set Public Hearing date of September 3, 1996 at 1:30 P.M. to repeal Polk County Ordinance 82-11, the Polk County Water and Sewer System Regulatory Ordinance.

BoCC Consent Agenda -- May 14, 1996
 RE: ADOPTION OF RESOLUTION TO CONFER JURISDICTION ON
 THE PUBLIC SERVICE COMMISSION OVER MATTERS
 RELATING TO PRIVATE WATER AND WASTEWATER UTILITIES
 AND SET PUBLIC HEARING DATE OF SEPTEMBER 3, 1996 AT
 1:30 P.M. TO REPEAL POLK COUNTY ORDINANCE 82-11,
 THE POLK COUNTY WATER AND SEWER SYSTEM REGULATORY
 ORDINANCE.

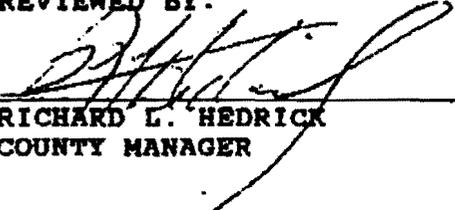
Page 3

FISCAL IMPACT

N/A

DAC/mjm (5/8/96)

REVIEWED BY:



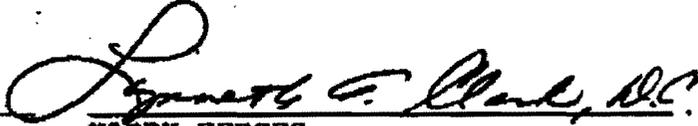
 RICHARD L. HEDRICK
 COUNTY MANAGER



 DARRELL W. GUNN
 PUBLIC WORKS DIRECTOR



 MARK CARPANINI
 COUNTY ATTORNEY



 HARRY HEDGES
 for: AUDITOR TO THE BOARD

Docket No. 930944-WS - Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S Issued to SHADY OAKS MOBILE-MODULAR ESTATES, INC. in Pasco County, Pursuant to Section 367.111(1), F.S.

LEGAL NOTICE

INTENT TO INITIATE REVOCATION OF CERTIFICATES
NOS. 451-W AND 382-S

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission (Commission) of its intent to initiate proceedings to revoke Certificates Nos. 451-W and 382-S, issued to Shady Oaks Mobile-Modular Estates, Inc. (Shady Oaks) in Pasco County, Florida, pursuant to Section 367.045, Florida Statutes. Section 367.011(3), Florida Statutes, provides that the regulation of utilities is an exercise of the police power of the state for the protection of the public health, safety, and welfare. This proceeding is being considered because of Shady Oaks' long history of failure to comply with Commission statutes, orders, and rules.

The following is the service territory authorized by Certificates Nos. 451-W and 382-S.

Township 26 South, Range 21 East

Section 23

That part of said section which is the Shady Oaks Mobile-Modular Estates, Inc., according to the plat thereof, as recorded in Plat Book II at pages 37 thru 38, inclusive of the Public records of Pasco County, Florida, being more particularly described as follows:

<u>Lots</u>	<u>Block</u>
A	1-88
B	1-24
C	1-23
D	1-24
E	1-19
F	1-23
G	1-30
H	1-11

All in Pasco County

Any objection to the proposed revocation of Certificates Nos. 451-W and 382-S must be made in writing within thirty (30) days from this date to the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0870.

DOCUMENT NUMBER-DATE

10294 SEP 23 88

FPSC-RECORDS/REPORTING

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

September 16, 1998

Russell R. Winer, Esquire
1904 E. Busch Blvd.
Tampa, Florida 33612-8666

RECEIVED 11:00
SEP 17 PM 3:16
RECORDS AND
REPORTING

RE: Docket No. 900025-WS - Application for staff-assisted rate case in Pasco County rate case in Pasco County by Shady Oaks Mobile-Modular, Inc.

Docket No. 930944-WS - Revocation by Florida Public Service Commission of Certificates Nos. 451-W and 382-S issued to Shady Oaks Mobile-Modular Estates, Inc. in Pasco County, pursuant to Section 367.111(1), F.S.

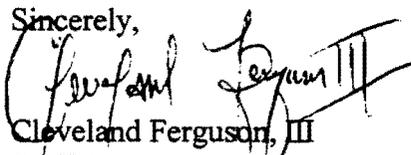
Dear Mr. Winer:

Pursuant to our conversation today, please find attached the Sixth Circuit Court's Order Discharging Pasco County as Receiver and Appointing Successor Receiver.

Specifically note, that the court has ordered on page 6 part 5(b) that Shady Oaks Mobile-Modular Estates, Inc., a/k/a S&D Utility and Richard D. and Caroline Sue Sims, as named defendants in this action, are to release or turn over the escrow monies to the successor receiver which is the Shady Oaks Owner Association, Inc. We believe the court's order should be sufficient to allow the Northside Bank of Tampa to release the funds to the Shady Oaks Owners Association, Inc.

After you have reviewed the court's order, please call me at (850) 413-6185 so that we may discuss this matter further.

Russell R. Winer, Esquire
Page 2
September 16, 1998

Sincerely,

Cleveland Ferguson, III
Staff Attorney

CF/dr

Enclosure

cc: Division of Water and Wastewater (Bethea)
Gerald A. Figurski, Esquire
Barbara L. Wilhite, Esquire

EASHADY.CF

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
(formerly known as Department
of Environmental Regulation),

CASE NO. 87-3788CA
DIVISION: Y

Plaintiff,

v.

SHADY OAKS MOBILE MODULAR
ESTATES, INC.

Defendant.

PASCO COUNTY, a political
subdivision of the State
of Florida,

CASE NO. 94-4377CAE
DIVISION: B

Plaintiff,

v.

SHADY OAKS MOBILE-MODULAR
ESTATES, INC., a/k/a S & D
UTILITY and RICHARD D. and
CAROLINE SUE SIMS,

Respondents.

ORDER DISCHARGING PASCO COUNTY AS
RECEIVER AND APPOINTING SUCCESSOR RECEIVER

THIS CAUSE having come before the Court on December 4, 1997
and December 19, 1997 pursuant to Receiver's Recommendation
Regarding and Motion to Appoint New Receiver, and the Court having
considered said motions, argument of counsel, evidence presented,
and being otherwise duly advised in the premises, hereby finds:

1. Defendants own a residential water and wastewater system
within the jurisdictional boundaries of Pasco County, Florida,

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RECEIVED FEB 03 1998

specifically in Zephyrhills, Florida, pursuant to the provisions of Chapter 367, Florida Statutes.

2. On or about August 4, 1994, the Florida Public Service Commission ("PSC") issued a final order revoking the water and wastewater certificate issued to Shady Oaks-Mobile Modular Estates, Inc (hereinafter "Shady Oaks"). The final order revoking those certificates has been filed herein. In its order, the PSC found that:

A. The utility has been found in contempt of Court for non-compliance with the Florida Department of Environmental Protection's Rules and Regulations.

B. The utility has not complied with the Florida Public Service Commission's prior orders.

C. The wastewater facility has not had a Florida Department of Environmental Protection operating permit since March, 1986.

D. The utility does not have certified operators as required by Chapter 17-602, Florida Administrative Code.

E. The utility's lift station and collection system does not meet Florida Department of Environmental Protection requirements with respect to location, reliability and safety.

F. The overall maintenance of the wastewater treatment system is unsatisfactory.

G. The overall quality of service of the wastewater system is unsatisfactory.

751MS
◆ Shady Oaks has misappropriated utility funds, underfunded the escrow account established to allow the utility to collect sufficient revenues to make the necessary improvements, and neglected to pay outstanding commission fines and regulatory assessment fees.

751MS
◆ The utility has demonstrated a willful and flagrant disregard of Chapter 367, Florida Statutes, commission rules and orders.

J. The utility lacks the technical and financial ability to continue operating as a certificated utility.

3. On or about August 23, 1994, PASCO COUNTY filed its petition to appoint a receiver to take possession and operate the water and wastewater system. By Order dated September 19, 1994, this Court appointed PASCO COUNTY as receiver for the water and wastewater system.

4. By Order dated September 18, 1997, this Court found that PASCO COUNTY has a conflict of interest and cannot continue to be the temporary receiver of the Shady Oaks water and wastewater system and ordered that PASCO COUNTY be relieved as temporary receiver. The Court ordered that PASCO COUNTY continue to operate the Shady Oaks water and wastewater system as temporary receiver until November 4, 1997 and look for a new temporary receiver. The Court further ordered that PASCO COUNTY shall not withdraw as temporary receiver until further order of this Court.

5. On November 4, 1997, this Court ordered that the September 18, 1997 Order Granting Pasco County's Motion to be

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Relieved as Receiver be extended and that PASCO COUNTY continue to operate the Shady Oaks water and wastewater system as receiver until December 4, 1997, which was extended until December 19, 1997 when the Court continued the December 4, 1997 hearing on Receiver's Recommendation Regarding and Motion to Appoint New Receiver until December 19, 1997.

6. On December 4, 1997 and December 19, 1997, this Court heard Receiver's Recommendation Regarding and Motion to Appoint New Receiver.

7. The Court was further advised in the premises by counsel relative to the appointment of a new receiver for the water and wastewater system.

Based upon the foregoing, and the further evidence as to the appropriateness of the new receiver pursuant to Section 367.165(2), Florida Statutes, it is hereby

ORDERED AND ADJUDGED that:

1. PASCO COUNTY is hereby discharged effective January 1, 1998 as receiver of the Shady Oaks water and wastewater system. PASCO COUNTY is hereby released and discharged effective January 1, 1998 from all of its obligations and liabilities relating to operating and maintaining the Shady Oaks water and wastewater system imposed on it by this Court, pursuant to Florida Statutes, Section 367.165, or otherwise.

2. Shady Oaks Owner Association, Inc., whose address is 3651 Castle Drive, Zephyrhills, FL 33540, is hereby appointed effective

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January 1, 1998 as the successor Receiver for the Shady Oaks water and wastewater system. The successor Receiver shall continue the lawful operation and maintenance of water and wastewater service to the customers of Shady Oaks. The term of this receivership shall begin on January 1, 1998 and shall continue until further order of this Court.

3. The successor Receiver shall effective January 1, 1998 take immediate possession and control of and operate and maintain the subject water and wastewater system, including but not limited to, all real or personal or mixed property which relates to the water and wastewater system, all assets (except PASCO COUNTY'S accounts receivables as more fully set forth in paragraphs 6.C. and 9 below), files, papers, records, documents, leases, insurance policies, permits, books of account, bank accounts, keys, choses in action, and shall retain custody of such until further order of the Court.

4. The successor Receiver shall give forty-eight (48) hours advance notice, except in an emergency in which event Richard D. Sims and Carolyn Sue Sims shall receive telephone notice as soon as practicable, to Richard D. Sims and Carolyn Sue Sims of all meetings of the committee appointed by the Association to act on a day to day basis on behalf of the Association as Receiver and Richard D. Sims and Carolyn Sue Sims, or their designee, may attend and have an opportunity to comment, subject to Robert's Rules of Procedure, at such meetings. However, Richard D. Sims and Carolyn Sue Sim, or their designee, are not members of this committee and

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have no voting rights, and holding of such meetings are not contingent upon availability of Richard D. Sims and Carolyn Sue Sims or their designee.

5. Shady Oaks Mobile-Modular Estates, Inc., Richard D. Sims and Caroline Sue Sims, and their current and former agents, servants, employees, representatives and attorneys ("Defendants"), shall immediately relinquish possession and control and to turn over to the successor Receiver, possession of all assets, papers, files, records, documents, monies, securities, choses of action, books of account, rents, accounts receivables, leases, permits, licenses, security deposits, servicing agreements, management agreements, or any other contracts affecting the operation of the water and wastewater system, including but not limited to:

A. All marketing materials, other documents or correspondence relating to the sale of the water or wastewater system; and

~~All purchase offers, purchase and sales contracts and all deposits of [REDACTED].~~

Defendants, unless otherwise authorized by the successor Receiver, are hereby enjoined from making any attempts to collect the rent, revenues or profits from the water and wastewater system.

6. All property, assets (except PASCO COUNTY's accounts receivables as more fully set forth in paragraphs 6.C and 9 below), documents, and facilities of the Shady Oaks water and wastewater system shall be immediately turned over to the successor Receiver by PASCO COUNTY (the "former receiver"). The former receiver's

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obligations regarding the surrender of property, assets, documents and facilities shall be as outlined herein. The former receiver shall:

A. Turn over and produce to the successor Receiver all customer account records, contracts, agreements, correspondence, legal pleadings, business records, easements, and any other documents related to the water and wastewater system.

B. Surrender control of all real and personal property to the successor Receiver.

C. The former receiver, PASCO COUNTY, shall not have to turn over accounts receivables and is entitled to collect these accounts receivables and to bill the customers of Shady Oaks for water and wastewater services pursuant to the Pasco County Code and to collect for such services through and including February 17, 1998, as more fully set forth in paragraph 9 below.

7. The Plaintiff and Defendants, and their respective employees and agents, shall have access to the above records and documents upon reasonable notice and during business hours.

8. The successor Receiver, or a person designated by it, is hereby authorized as the sole entity to collect any revenues and profits from the water and wastewater system and as persons shall make payments solely to the successor Receiver, or its designee, except as provided in paragraph 6.C. and paragraph 9.

9. In order to effectuate an efficient and expeditious transition for the successor Receiver and this Court, PASCO COUNTY, the successor Receiver, and the Defendants agree and this Court

hereby orders that PASCO COUNTY, UTILITIES SERVICES BRANCH, not as receiver, but as a political subdivision of the State of Florida, provide water and wastewater services to the customers of Shady Oaks pursuant to the Pasco County Code from January 1, 1998 until ~~February~~ ^{March} 17, 1998 and bill and collect from the customers of Shady Oaks for such services directly. ⁽¹⁾

10. The successor Receiver shall preserve, protect, operate and maintain the water and wastewater system in a reasonable, prudent, diligent and efficient manner and shall dispose of the property of the Shady Oaks' water and wastewater system in a manner designed to continue the efficient and effective operation of utility service. The water and wastewater system shall be operated by the successor Receiver in such a manner so as to provide efficient, effective and environmentally sound and continuous service to the customers.

11. In order to effectively carry out its responsibilities under this Order, including its responsibility pursuant to Florida Statutes, Section 367.165, to dispose of the property of the Shady Oaks' water and wastewater system, the successor Receiver shall have full authority to exercise all powers and rights necessary and incidental to effect the protection, management, maintenance and disposition of the subject water and wastewater system. Those powers and authorities include but are not limited to:

A. To provide and maintain water and wastewater service in the designated service area in compliance with all applicable permits, regulations and statutes.

B. To make extensions, expansions, repairs, replacements, and improvements to the water and wastewater system as appropriate and necessary.

C. To collect rates, fees, charges, and deposits in accordance with all applicable state laws.

D. To market the subject water and wastewater system.

E. To negotiate and enter into purchase and sale agreements as provided herein.

F. To obtain and carry such insurance as may be necessary and advisable for the subject water and wastewater system.

G. To borrow money and to pledge or encumber the facilities, assets and revenues of the Shady Oaks water and wastewater system for the repayment thereof.

H. To enter into contracts or agreements with any public agency or private entity providing for or relating to the operation and maintenance of the water and wastewater system or the connection of the customers to any other public or private water or sewer system.

I. To enter into a contract or agreement with PASCO COUNTY for Bulk Wastewater Service.

J. To accept any gifts, grants, contributions in kind in connection with the management, operation and maintenance of the water and wastewater system.

K. To retain and pay the fees, costs, and salaries of accountants, architects, engineers, attorneys, employees,

professional consultants, or other persons or entities, as necessary or desirable in the management, operation, maintenance, or sale of the water and wastewater system and to ensure compliance with all provisions of this Order.

L. To pay from the revenues collected from the customers of the utility all necessary and reasonable operating expenses (including the costs and expenses contemplated in this paragraph 10) in a manner designed to continue the efficient, effective and environmentally sound operation of said utility.

M. To pay fees to PASCO COUNTY associated with the interconnection of the Shady Oaks wastewater system to PASCO COUNTY's system.

N. To sue or be sued, to implead or to be impleaded, to complaint and defend in any court, and to seek all legal or equitable relief in accordance with applicable state law.

O. To apply for and obtain any applicable federal, state, and local government permits, certificates, licenses, or other approvals, in order to operate and maintain the water and wastewater system.

P. To perform generally any other lawful acts necessary or desirable to carry out the express powers and authority granted and imposed herein.

12. The successor Receiver is hereby authorized and duly empowered to enter into any broker listing agreements for the sale of the water and wastewater system, to market the sale of the water and wastewater system, to negotiate contracts for the sale of the

water and wastewater system, enter into any purchase and sale agreements, and convey said water and wastewater system and all real, personal or mixed property which relates to the water and wastewater system to third party purchasers. The successor Receiver, or its designee, shall provide written notice via U.S. mail to Pasco County, Florida, (attention: Barbara L. Wilhite, Office of the Pasco County Attorney), Richard D. and Caroline Sue Sims, and the customers of Shady Oaks (hereinafter collectively "party" or "parties") of its intent to execute a purchase and sale agreement and the projected gross and net proceeds of the sale. Unless a party submits written objections to the successor Receiver, or its designee, via U.S. mail within ten (10) business days of the postmark date of the notice of intent to enter into a purchase and sale agreement, the successor Receiver shall be authorized to enter into the purchase and sale agreement and submit an order approving said sale by the Court ex parte. In the event the successor Receiver receives any objections to the sale, the successor Receiver shall seek an expedited hearing from this Court and give appropriate notice to the parties of such hearing in order to obtain approval for the sale pursuant to the proposed purchase and sale agreement. Upon the sale of any portion of the water or wastewater system, or any real, personal, or mixed property which relates to the water and wastewater system, the successor Receiver shall pay PASCO COUNTY first from the gross proceeds of such sale pursuant to this Court's November 25, 1997 order.

13. The successor Receiver shall have authority to issue Receiver's Certificates to the extent necessary to perform its duties and may do so upon prior application to and approval by the Court. The successor Receiver shall provide notice of such application to the parties set forth in paragraph 11 above and any other persons entitled to receive it. Such certificates shall bear market rate interest and shall constitute a first lien on the property subject only to the liens of Pasco County, Florida.

14. This Court shall retain jurisdiction in this cause, and to enter such further orders, or take any action that it deems appropriate.

15. Defendants shall remain liable under all applicable laws for any claims, violations, demands, penalties, suits, proceedings, actions, or fees occurring prior to the appointment and acceptance by any receiver.

~~16.~~ The successor Receiver is hereby directed by this Court to maintain separate accounts and records for the management of the subject water and wastewater system. Additionally, this Court hereby directs that the revenues from the Defendants' utility are not to be considered the revenues of the successor receiver, nor are the revenues of the successor receiver to be considered those of the Defendants' utility.

17. The successor Receiver shall comply with all inventory requirements set forth in Florida Rules of Civil Procedure 1.620(b).

18. The successor Receiver shall submit to the Court quarterly financial and operational reports for the water and wastewater system and reports regarding efforts to dispose of the property of the Shady Oaks water and wastewater system as required by this Order for the duration of its receivership.

19. The successor Receiver is authorized to seek supplemental orders and directions from the Court as it determines to be necessary in order to fulfill its duties under the terms of this Order.

DONE AND ORDERED in Chambers at Dade City, Pasco County, Florida, this ____ day of December, 1997.

SIGNED AND DATED

FEB - 2 1998

~~WAYNE L. COBB~~
WAYNE L. COBB
Circuit Court Judge

Conformed copies furnished to:

Barbara L. Wilhite, Esq.
Gerald Figurski, Esq.
David Smolker, Esq.
David K. Thulman, Esq.
Lila A. Jaber, Esq.

MEMORANDUM

Mrs. Blanca S. Bayo
P.S.C.
2540 Shumard Oak Blvd.
Tallahassee, Fl 32399-0850

FROM R.D. SIMS
1315 ECKLES DR.
TAMPA, FLA. 33612
Ph. 932-3177

DATE 10-5-98

SUBJECT Shady Oaks Mobile Modular Estates, Inc.

MESSAGE

Dear Mrs. Bayo:

It appears that a charge was made that I stole funds from the Utility.

What did I steal?

- ACK
- AFA
- APP
- CAF
- CMU
- CTR
- EAG
- LEG
- LIN
- OPC
- RCH
- SEC
- WAS

Very truly yours,

R.D. Sims

R. D. Sims

930744

MAIL ROOM

98 OCT 8 AM 8 50

PLEASE REPLY BY

NO REPLY NECESSARY

MEMORANDUM

TO

Mrs. Blanca S. Bayo
P.S.C.
2540 Shumard Oak Blvd.
Tallahassee, Fl 32399-0850

FROM

R.D. SIMS
1-15 ECKLES DR
TAMPA, FLA. 33612
Ph. 932-3177

DATE

10-5-98

SUBJECT

Shady Oaks Mobile Modular Estates
Inc,

MESSAGE

Dear Mrs. Bayo:

Reviewing the various orders from the P.S.C., my certificates were
revoked because of lack of technical ability. Would you please
define technical ability?

Very truly yours,



R. D. Sims

MAIL ROOM

05 8 W 8- 130 85

PLEASE REPLY BY _____

NO REPLY NECESSARY _____

Adams
9042

Memorandum

MEMORANDUM

TO

Mrs. Blanca S. Bayo
P.S.C.
2540 Shumard Oak Blvd.
Tallahassee, Fl 32399-0850

FROM

R.D. SIMS
1315 ECKLES DR.
TAMPA, FLA. 33612
Ph. 932-3177

DATE

10-5-98

SUBJECT

MESSAGE

Dear Mrs. Bayo:

Why was I not granted a rate increase per my letters to Jeni Lingo requesting the forms, because how can I get a rate increase with-out the forms?

Very truly yours,



R. D. Sims

MAIL ROOM
98 OCT 8 AM 8:50

PLEASE REPLY BY _____

NO REPLY NECESSARY _____

Adams
9042

Memorandum