

ORIGINAL

050820-WS

**Alan & Marilyn Baruch**

29470 PINE VILLA CIRCLE, PUNTA GORDA, FL 33982  
PHONE: (941) 916-0490 OR 916-1540 FAX: (941) 575-0465

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NOV 14 PM 3:45

COMMISSION  
CLERK

November 10, 2005

Director, Division of the Commission Clerk  
& Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Dear Sirs:

We are in receipt of a notice issued October 18, 2005, pursuant to Section 367.045, Florida Statutes, of the application of MSM Utilities, LLC to amend its Water Certificate No. 611-W and Wastewater Certificate No. 527-S to add territory in Charlotte County Florida as described in Exhibit A (attached).

We wish to raise our objection to this increase of their territories covered by the proposal. The reasons are as follows:

1. The project will conflict with the City of Punta Gorda and Charlotte County's utility development plan.

2. As the county utilities grow around us, the county will be forced to purchase the franchise from MSM Utilities specifically if they cannot maintain regulatory compliance of their systems or the physical and the economic demand for the water/wastewater rights. MSM will inevitably sell their franchise to the county at a large profit at the county's and the community's expense.

3. Although MSM Utilities maintain that they will be able to utilize the railroads or county easement to run their water lines, they actually will try to seize various property rights for those lines through eminent domain. Giving MSM access to eminent domain to seize properties to expand their utilities would cause undo hardship on those impacted residence.

DMP \_\_\_\_\_

4. The compliance history of MSM with the regulatory agencies comes into question. What is their track record with both the EPA and Florida statutes.

COM \_\_\_\_\_

CTR \_\_\_\_\_

ECR \_\_\_\_\_

GCL \_\_\_\_\_

OPC \_\_\_\_\_

The City of Punta Gorda and the County have a utility plan that will meet our needs and protect the environment when it is time to hook up or be part of the water system from Punta Gorda. To give this private company a utility expansion permit would only add cost to this utility plan and hinder the implementation of that plan.

RCA \_\_\_\_\_

SCR \_\_\_\_\_

SGA \_\_\_\_\_

SEC 1

OTH \_\_\_\_\_

We are formally requesting that we be copied on all correspondence and e-mails as it relates to this project so that we would adequately be able to file a timely request of an administrative hearing.

Respectfully,

Alan & Marilyn Baruch

e-mail: yuri2003@earthlink.net

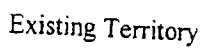
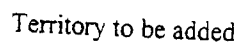
DOCUMENT NUMBER-DATE  
10941 NOV 14 2005

### LEGAL NOTICE

Notice is hereby given on October 18, 2005, pursuant to Section 367.045, Florida Statutes, of the application of MSM Utilitites, LLC to amend its Water Certificate No.611-W and Wastewater Certificate No. 527-S to add territory in Charlotte County, Florida as described in Exhibit A attached hereto and made a part hereof.

Any objection to the said application must be made in writing and filed with the Director, Division of the Commission Clerk & Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

MSM Utilities, LLC  
9696 Bonita Beach Road  
Suite 210  
Bonita Springs, FL 34135



Lake Jim Long

**SECTION**  
**12**

UP HWY 17

## EXHIBIT A

### **Territory to be added:**

THE SOUTH  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING SOUTHERLY OF BRANCH CREEK (TIDAL)

#### TOGETHER WITH

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

#### TOGETHER WITH

THE SOUTH  $\frac{1}{4}$  SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING WEST OF THE SEABOARD COASTLINE RAILROAD AND SOUTH OF BRANCH CREEK (TIDAL)

#### LESS AND EXCEPT

THE EXISTING SERVICE TERRITORY FOR THE OAKS AT RIVER EDGE (FORMERLY: HUNTERS CREEK VILLAGE) BEING DESCRIBED AS FOLLOWS:

#### TOWNSHIP 40 SOUTH, RANGE 23 EAST, SECTION 12

THE NE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

AND

THE SE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA

AND

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

AND

THAT PORTION OF GOVERNMENT LOT 2, SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING SOUTH OF LEE BRANCH CREEK

AND

THE WESTERLY 30 FEET OF THE SW  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

#### TOWNSHIP 40 SOUTH, RANGE 23 EAST SECTION 11

ALL OF GOVERNMENT LOT 5, LYING SOUTH OF LEE BRANCH CREEK IN SECTION 11, TOWNSHIP 40 SOUTH, RANGE 23, EAST CHARLOTTE COUNTY, FLORIDA

AND

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

#### TOGETHER WITH

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

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

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

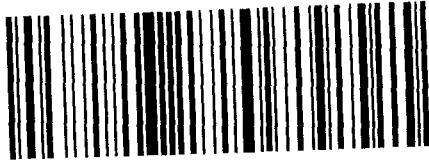
THE NORTH  $\frac{1}{4}$  OF SECTION 13, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

the Com

Division

Alan & Marilyn Baruch  
29470 Pine Villa Circle  
Punta Gorda FL 33982

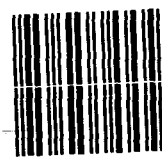
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Director, Division of the Commission Clerk  
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Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

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REQUESTED

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