

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for)
Transfer of the Facilities of)
Hacienda Treatment Plant, Inc. to)
Bonita Springs Utilities, Inc.,)
and Cancellation of Certificate)
No. 370-S)

Docket No. _____
990323-SU

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RECORDS AND REPORTING

APPLICATION FOR TRANSFER OF FACILITIES
DUE TO ABANDONMENT AND CANCELLATION OF CERTIFICATE

Bonita Springs Utilities, Inc. ("BSU" or "Transferee"), through its undersigned attorneys, and pursuant to the provisions of Section 25-30.037, Florida Administrative Code, and Section 367.071, Florida Statutes, files this Application for Transfer of the Facilities of Hacienda Treatment Plant, Inc. ("Hacienda" or "Transferor") to BSU, and Cancellation of Sewer Certificate No. 370-S, and in support thereof states:

1. The complete name and address of the Transferor, Hacienda Treatment Plant, Inc., is:

Hacienda Treatment Plant, Inc.
c/o Bonita Springs Utilities, Inc., as
Court-Appointed Receiver
Post Office Box 2368
Bonita Springs, Florida 34133-2368

2. The complete name and address of the Transferee, Bonita Springs Utilities, Inc., is:

Bonita Springs Utilities, Inc.
Post Office Box 2368
Bonita Springs, Florida 34133-2368

3. The name, address and telephone number of the person to contact concerning this Application is:

Daren L. Shippy, Esq.
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301

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FPSC/BUREAU OF RECORDS

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FPSC-RECORDS/REPORTING

(850) 877-6555
(850) 652-4029 FAX

4. Transferee is a not-for-profit corporation engaged in the business of providing water and wastewater service solely to its members in Bonita Springs, Lee County, Florida. Transferee is exempt from regulation by the Florida Public Service Commission pursuant to Section 367.022(7), Florida Statutes. Transferee's exempt status was recognized by the Florida Public Service Commission in Docket No. 910604-SU by Order No. 24921, a copy of which is attached hereto as **Exhibit "A."**

5. The names and addresses of Transferee's corporate officers and directors are as follows:

Henry Hochstetler	President/Director
T. Harvey Haines	Vice President/Director
Bob McGrath	Treasurer/Director
Frank Liles, Jr.	Secretary/Director
John Mathes	Director
Ben Nelson, Jr.	Director
Glen Van Riper	Director
Marc Ciaffone	Director
Larry Lukin	Director

The address for Transferee's officers and directors is the address given for the Utility in paragraph 2.

6. Transferee was incorporated in the State of Florida on January 7, 1970.

7. There is no contract for sale between Transferor and Transferee. On July 11, 1995, Hacienda gave notice of its intent to abandon its sewer system. On October 5, 1995, the Circuit Court of Lee County, Florida, in Lee County v. Hacienda Treatment Plant, Inc., Case No. 95-6433 CA-RWP, entered its Order Appointing Receiver, in which Transferee was appointed the receiver for

Hacienda's assets. Attached hereto as **Exhibit "B"** is a copy of the Order Appointing Receiver.

8. On February 6, 1996, this Commission, in Docket No. 951038 and Order No. PSC 96-0167-FOF-SU, entered its Order Acknowledging Abandonment and Appointment of Receiver. Attached hereto as **Exhibit "C"** is a copy of PSC Order No. 96-0167-FOF-SU.

9. On November 4, 1998, the Circuit Court of Lee County, Florida entered its Order Approving Recommendation for Disposition of Assets of Hacienda Treatment Plant, Inc. (hereafter "Order Approving Recommendation"). Attached hereto at **Exhibit "D"** is a copy of the Order Approving Recommendation. Under the Order Approving Recommendation, Hacienda's assets are to be conveyed to BSU.

10. BSU believes that Hacienda has no (a) customer deposits, nor interest thereon, (b) guaranteed revenue contracts, (c) developer agreements, or (d) customer advances. The transfer of assets out of receivership does not include any leases, debt or other obligations of Hacienda.

11. There is no financing associated with the conveyance of Hacienda's assets to BSU, nor is BSU otherwise paying any monies to acquire Hacienda's assets.

12. The transfer of Hacienda's assets to BSU is in the public interest. Hacienda's owners abandoned the facility. Hacienda operated a small, package-type wastewater treatment facility designed to serve 200 multifamily structures. According to PSC Order No. 96-0167-FOF-SU, Hacienda, at the time of abandonment,

served 351 customers. The Circuit Court of Lee County found that it is in the best interest of the Hacienda customers to be served by BSU. The Court further found that disposal of Hacienda's assets to BSU will provide the most efficient operation of wastewater service to Hacienda's customers.

13. BSU has almost 30 years experience in providing utility service to its members. It is a large, financially strong, member-owned regional utility system. It currently serves over 21,000 water ERCs and over 16,000 wastewater ERCs. BSU has made a long-term commitment to providing service in the Bonita Springs area, and as such, has undertaken a program to provide for the mutually beneficial connection of area package plants to the central system when available. The increased customer base resulting from this transfer will help BSU spread costs of the regional system, while ensuring a long-term provision of wastewater service to existing Hacienda customers.

14. BSU will provide service to the former Hacienda customers on a uniform basis with BSU's existing members, subject to a special service charge for the following work:

- extensive repair and rehabilitation of the Hacienda collection system
- construction additional gravity lines
- rebuilding 3 existing lift stations
- abandoning a fourth lift station
- repairing manholes
- miscellaneous other work

The cost to upgrade Hacienda's facilities to a service level consistent with Applicant's utility standards and County and State requirements has been determined by BSU's engineering staff

and consulting engineers to be approximately \$317,000. This cost has been determined based on work already performed and bids for the balance of the system construction improvements. It is necessary to charge these upgrades to Hacienda's customers, as well as future customers who may be served from these facilities, in order to ensure that each customer pays his or her fair share for the cost of providing service.

The cost for repairs and improvements per ERC to Applicant to connect Hacienda's customers to Applicant's facilities is approximately \$795. Payments may be amortized over 20 years at a cost per month, per customer, of \$5.68. Transferee has applied, or in the near future will apply, to Lee County Board of County Commissioners, pursuant to its franchise for approval of this special service charge.

15. There are no entities upon which BSU is relying to provide funding to Hacienda.

16. The proposed net book value of Hacienda's system has been previously provided to the Commission in prior year Annual Reports. No additional information was made available in the abandonment proceedings.

17. No acquisition adjustment is requested.

18. The books, records and tax returns of Hacienda, to the extent provided by Hacienda to BSU in the abandonment proceeding, are available for inspection by the PSC.

19. Hacienda's system is not in satisfactory condition, nor was it in compliance with DEP standards at the time of its

abandonment. In PSC Order No. 96-0167-FOF-SU, the PSC recognized, "As a result of a series of violations, Hacienda entered into a consent order with the Florida Department of Environmental Protection on May 12, 1995, in which it chose to abandon its 85,000 gallons per day treatment plant and drainfield and to connect with BSU's regional treatment plant."

Hacienda's system has been interconnected with BSU's regional wastewater system. Transferee has sufficient excess capacity in its existing facilities to accommodate Hacienda's customers.

20. The land upon which Hacienda's treatment facilities are located is not owned by Hacienda, but is owned by the Hacienda Homeowner's Association. In PSC Order No. 15844, however, the PSC noted that "the utility has provided us with evidence of ownership of the land on which the treatment facilities are located." Transferee, however, will provide service from its existing treatment plant located on a site it owns in fee simple.

21. BSU is unaware of any regulatory assessment fees, fines or refunds that may be due and owing by Hacienda.

22. BSU has not provided an original and two copies of sample tariff sheets reflecting a change in ownership because it is an exempt entity under Section 367.022(7), Florida Statutes and its tariffs are on file with the Lee County Board of County Commissioners.

23. The original Certificate issued to Hacienda is not in the possession of Transferee. It is believed to be lost. If discovered, however, it will be promptly surrendered to the


Commission.

24. Within any applicable time period, Transferee will submit to the Commission an affidavit showing compliance with the provisions of Section 367.045, Florida Statutes, and compliance with Rule 25-30.030, Florida Administrative Code, as well as proof of publication, and an affidavit regarding customer notice.

25. In accordance with Commission Rule 25-30.020, enclosed is a filing fee in the total amount of \$750, which is for a wastewater system that has the capacity to serve up to 500 ERC's.

WHEREFORE, Bonita Springs Utilities, Inc., files this Application and requests that the Florida Public Service Commission approve the transfer of the facilities of Hacienda Treatment Plant, Inc. to Bonita Springs Utilities, Inc., and cancel Wastewater Certificate No. 370-S.

Dated this 12th day of March, 1999 by:



John R. Jenkins, Esq.
Fla. Bar I.D. #435546
Daren L. Shippy, Esq.
Fla. Bar I.D. #508810
ROSE, SUNDSTROM & BENTLEY, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301
(850) 877-6555

BONITA SPRINGS UTILITIES, INC.
Order Recognizing BSU's Exempt Status

EXHIBIT A

In re: Application for transfer of assets from Springs Environmental Systems, Inc. to Bonita Springs Water Systems, Inc. and cancellation of Certificate No. 375-S in Lee County

DOCKET NO. 910604-SU; ORDER NO. 24921

Florida Public Service Commission

1991 Fla. PUC LEXIS 1484; 91 FPSC 8:182
1991 Fla. PUC LEXIS 1484; 91 FPSC 8; 182

August 16, 1991

PANEL:
[*1]

The following Commissioners participated in the disposition of this matter: THOMAS M. BEARD, Chairman; J. TERRY DEASON; BETTY EASLEY; MICHAEL McK. WILSON

OPINION:

ORDER APPROVING TRANSFER, EXEMPTING BONITA SPRINGS WATER SYSTEMS, INC. FROM COMMISSION REGULATION, AND CLOSING DOCKET

BY THE COMMISSION:

Background

On May 20, 1991, an application was filed with this Commission for the transfer of assets from Springs Environmental Systems, Inc. (Springs Environmental) to Bonita Springs Water Systems, Inc. (Bonita Springs). The application, as filed, was deficient. The additional information needed to process the application was filed on June 25, 1991. The closing of the sale to Bonita Springs is scheduled to occur on July 31, 1991.

Bonita Springs is a not-for-profit corporation established June 7, 1970. Order No. 5223, issued on September 21, 1971, found the Bonita Springs's water system to be exempt from Commission regulation, pursuant to Section 367.021(2), Florida Statutes. Bonita Springs is in the process of developing a regional wastewater treatment and disposal system. Upon completion, Bonita Springs contemplates providing service to areas served by approximately 60 small [*2] wastewater treatment plants, which will be taken off line as a result.

Application for Transfer

The application for transfer is in compliance with Section 367.071, Florida Statutes, and other pertinent statutes and administrative rules. The application included evidence that the utility owns the land upon which its facilities are located, as required by Rule 25-30.037(1)(o), Florida Administrative Code.

Proof of notice of the application, as prescribed by Rule 25-30.030, Florida Administrative Code, was provided with the application. No objections to the

notice have been received and the time for filing such has expired.

Bonita Springs has been in existence for over 20 years, and provides water service to approximately 13,000 residential and general service water customers in its service territory in Lee County. In 1970, Bonita Springs was franchised by the Board of County Commissioners of Lee County to provide water and wastewater service in southwest Lee County. Bonita Springs was financed by the Farmers Home Administration in the past. The current wastewater development and the acquisition of Springs Environmental is being financed by Industrial Development Revenue [*3] Bonds (Bonds).

According to the contract for sale, customer deposits will be transferred to Bonita Springs at closing. Springs Environmental has paid regulatory assessment fees for 1990. However, Springs Environmental has not paid regulatory assessment fees for the period of time from January 1, 1991 to the date of closing.

From our review of the application, we find that the transfer is in the public interest and it is hereby approved. The territory being transferred is described in Attachment A of this Order, which by reference is incorporated herein. Springs Environmental is directed to return Certificate 375-S, to this Commission. Certificate 375-S shall remain active until Springs Environmental pays the appropriate regulatory assessment fees for 1991. Upon payment of the fees, Certificate No. 375-S will be cancelled.

Exemption

As discussed previously, Bonita Springs' water system was exempted from Commission regulation by Order No. 5223, issued September 21, 1971. Bonita Springs filed an affidavit, stating that it is a not-for-profit corporation, that it provides service only to its members, and that it has a franchise with Lee County. According to Bonita Springs' [*4] By-Laws, each member of the Corporation is entitled to only one vote upon each matter submitted to a vote. Further, Bonita Springs' Articles of Incorporation indicate that service is available to non-members if there is excess capacity. Sale of excess capacity to non-members would negate the exemption. However, the actual practice of Bonita Springs is to provide service only to members and Bonita Springs has agreed to amend its By-Laws to reflect that it will provide service only to its members. Bonita Springs is directed to file a copy of the amendment with the Commission within 30 days of its finalization.

Based on the foregoing, we find that Bonita Springs' provision of wastewater service is exempt from Commission regulation, pursuant to Section 367.022(7), Florida Statutes. Further, we find that the circumstances have not changed since Order No. 5223 was issued in September, 1971, and Bonita Springs' water system continues to be exempt from Commission regulation, pursuant to Section 367.022(7), Florida Statutes. However, Bonita Springs, or its successor in interest, is directed to inform this Commission of any change in circumstances or method of operation within 30 days [*5] of such change so that we may review the matter to determine whether exempt status is still appropriate.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of assets from Springs Environmental Systems, Inc., 3451 Bonita Bay Boulevard, S.W., Suite

202, Bonita Springs, Florida 33923, to Bonita Springs Water System, Inc., 11860 East Terry Street, Bonita Springs, Florida 33923, is hereby approved. It is further

ORDERED that Certificate No. 375-S shall remain active until Springs Environmental pays the appropriate regulatory assessment fees for 1991. Springs Environmental shall return Certificate No. 375-S to this Commission within 30 days of the date of this Order for cancellation upon payment of the regulatory assessment fees. It is further

ORDERED that Bonita Springs Water System, Inc. is exempt from Commission regulation of its water and wastewater systems, pursuant to Section 367.022(7), Florida Statutes. It is further

ORDERED that Bonita Springs Water System, Inc., shall file a copy of the amendment to its By-Laws as discussed in the body of this Order. It is further

ORDERED that should there be any change in the circumstances or method [*6] of operation, Bonita Springs Water System, Inc., or its successor in interest, shall inform this Commission within 30 days of such change. It is further

ORDERED that Docket No. 910604-SU is hereby closed.

By ORDER of the Florida Public Service Commission, this 16th day of AUGUST, 1991.

ATTACHMENT A

Springs Environmental Systems, Inc.

TERRITORY DESCRIPTION

The following described lands located in portions of Sections 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32 and 33, Township 47 South, Range 25 East, Lee County, Florida:

SECTION 07

Government Lot 4 and the South 1/2 of Government Lot 3, in Section 7, Township 47 South, Range 25 East,

and

N 1/2 of Government Lot 3, Section 7, Township 47 South, Range 25 East, Lee County, Florida.

and

South half of Government Lot 2, Section 7, Township 47 S, Range 25 E, Lee County, Florida, less: Begin at SE corner of U.S. Lot 2, North 210 feet, West 16 chains 66 links, South 210 feet, East 16 chains, 56 links to Point of Beginning; Begin 660 feet North of SE corner of U.S. Lot 2, West 14 chains 50 links, South 198 feet, East 14 chains 13 links, North to Point of Beginning; Begin 210 feet

North 3 deg. 58 min. [*7] West and 1099.6 feet South 87 deg. 15 min. West of the SE corner of U.S. Lot 2, North 5 deg. 46 min. West 202 feet, North 78 deg. East 216 feet South 6 deg. 46 min. East 202 feet, South 87 deg. 15 min. West 216 feet to Point of Beginning; Begin 660 feet North 3 deg. 58 min. West and 957 feet South 78 deg. 15 min. West of the SE corner of U.S. Lot 2, South 87 deg. 15 min. West of the SE corner of U.S. Lot 2, South 87 deg. 15 min. West 247.5 feet, South 11 deg. 8 min. West 199.5 feet, North 87 deg. 15 min. East 247.5 feet, North 11 deg. 8 min. West 199.5 feet to Point of Beginning, Less existing right-of-way.

SECTION 08

That portion of said section lying South of the Southerly R-O-W of Coconut Road, LESS AND except; Commence at the Southeast corner of Section 8, Township 47 South, Range 25 East, Lee County, Florida; thence run N 89 degrees-47'-54" W along the South line of said Section 8 for 1828.65 feet to the East side of Spring Creek Road; thence run N 0 degrees-14'-49" W along the East side of Spring Creek Road, 35 feet from the centerline, for 343.52 feet to a concrete monument and the Point of Beginning; thence N 89 degrees-49'51" E 435.65 feet to a concrete monument; thence [*8] N 0 degrees-14'49" W 498.81 feet to a concrete monument on the South line of those lands as described in O.R. Book 428, page 341, Lee County Public Records, Lee County, Florida; thence along said South line, N 89 degrees-59'-14" E 100.35 feet to a concrete monument; thence along the East line of those lands as described in said O.R. Book 428, page 341, N 0 degrees-14'-49" W 465.00 feet to a concrete monument on the North line of the South half of the Southeast one-quarter (SE 1/4) of said Section 8; thence along said North line, South 89 degrees-59'-14" West 536.00 feet to the east line of Spring Creek Road; thence along said east line, South 0 degrees-14'-49" East 965.00 feet to the Point of Beginning.

SECTION 09

That portion of the South 1/2 of said section lying South of the Southerly R-O-W Coconut Road and West of the Westerly R-O-W of U.S. Highway 41.

SECTION 16 The North 1/2 of the Northwest 1/4 of said section.

SECTION 17

The North 1/2 of the North 1/2 of the North 1/2 of Section 17, Township 47 South, Range 25 East lying west of Spring Creek Road.

SECTION 18

The North 1/2 of the North 1/2 of the North 1/2 of Section 18, Township 47 South, Range 25 East [*9] lying east of Estero Bay.

SECTION 19

The South 1/2 of said section lying East of Estero Bay.

SECTION 20

The Southwest 1/4 of said Section, and that portion of the East 1/2 of said

section lying South of Spring Creek.

SECTION 21

The East 1/2 and that portion of the Southwest 1/4 of said section lying South of Spring Creek; and the East 1/2 of the Southwest 1/4 of said section lying North of Spring Creek LESS AND EXCEPT the East 600 feet thereof and ALSO LESS the Northwest 1/4 of said section.

All that part of Section 21, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows; Commencing at the northeast corner of said Section 21; thence along the north line of said Section 21, South 89 degrees-16'-45" West 550.97 feet;

thence leaving said north line of Section 21 South 20 degrees-54'-14" East 2704.06 feet;

thence South 88 degrees-52'-14" West 375.78 feet to a point on the east line of said Section 21;

thence along said east line of Section 21, South 0 degrees-51'39" East 52.20 feet to the POINT OF BEGINNING of the parcel herein described;

thence continuing along said east line of Section 21, South 0 degrees-51'-39" [*10] East 1193.24 feet;

thence northwesterly 108.95 feet long the arc of a non-tangential circular curve concave to the northeast, having a radius of 350.00 feet, through a central angle of 17 degrees-50'-09" and being subtended by a chord which bears North 27 degrees-17'50" West 108.51 feet;

thence North 18 degrees-22'-46" West 212.18 feet;

thence northwesterly 697.70 feet along the arc of a tangential circular curve concave to the southwest, having a radius of 650.00 feet, through a central angle of 61 degrees-30'-00" and being subtended by a chord which bears North 49 degrees-07'-46" West 664.68 feet;

thence North 79 degrees -52'-46" West 138.42 feet;

thence northwesterly 128.28 feet along the arc of a tangential circular curve concave to the northeast, having a radius of 350.00 feet, through a central angle of 21 degrees -00'-00" and being subtended by a chord which bears North 69 degrees -22'-46" West 127.56 feet;

thence North 58 degrees -52'-46" West 290.13 feet;

thence North 0 degrees -07'-14" East 271.62 feet;

thence North 88 degrees -52'-14" East 1086.29 feet;

thence South 19 degrees -52'-46" East 55.13 feet to said east line of Section 21 and the Point of Beginning of [*11] the parcel herein described;

subject to easements and restrictions of record;

containing 14.86 acres more or less;
bearings are based on Florida State Plane Coordinate System West Zone, as the north line of the northeast 1/4 of Section 21, being North 89 degrees -16'-45" East.

SECTION 22

All of said section lying South and East of the Seaboard Coastline Railroad.

All that part of Section 22, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows; Commencing at the northwest corner of said Section 22;

thence along the north line of Section 21, Township 47 South, Range 25 East, South 89 degrees-16"-45" West 550.97 feet;

thence leaving said north line of Section 21 South 20 degrees -54'-14" East 2704.06 feet;

thence South 88 degrees -52'-14" West 393.76 feet;

thence South 19 degrees -52'-46" East 55.13 feet to a point on the west line of said Section 22 and the POINT OF BEGINNING of the parcel herein described;

thence leaving said west line of Section 22, continuing South 19 degrees -52'-46" East 642.20 feet;

thence South 19 degrees -52'-46" East 472.67 feet;

thence South 24 degrees -52'-14" West 335.00 feet;

thence North [*12] 60 degrees -52'-46" West 123.89 feet;

thence northwesterly 150.67 feet along the arc of a tangential circular curve concave to the northeast, having a radius of 350.00 feet, through a central angle of 24 degrees -39'-51" and being subtended by a chord which bears North 48 degrees -32'-50" West 149.50 feet to a point on said curve and a point on the west line of said Section 22;

thence leaving said curve along said west line of Section 22, North 0 degrees -51'-39" West 1193.24 feet to the Point of Beginning of the parcel herein described;

subject to easements and restrictions of record;

containing 6.07 acres more or less;

bearings are based on Florida State Plan Coordinate System West Zone, as the north line of the northeast 1/4 of Section 21, being North 89 degrees -16'-45" East.

SECTION 28

All of that section lying West of U.S. 41 (State Road 45).
Tract No. 5 -

From the Southeast corner of Section 28, Township 47 South, Range 25 East, run N 00 degrees 58'00" W along the east line of Section 28 for 1339.45 feet to the point of beginning. From said point of beginning run S 88 degrees 51'10" W for 1244.54 feet to the easterly right of way line of U.S. Route 41 (State [*13] Route #45) New Alignment; thence run N 00 degrees 27'03" W along the said east right of way line for 866.15 feet; thence run N 88 degrees 51'10" E for 1236.74 feet to the east line of said Section 28; thence run S 00 degrees 58'00" E along the east line of Section 28 for 866.09 feet to the point of beginning.

Tract No. 6 -

A tract or parcel of land lying and being in Section 28, Township 47 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows: Commencing at the southeast corner of said Section 28, run N 0 degrees 58'00" W along the east line of said Section 28 for 30.00 feet to the intersection of said east line and the northerly right of way line of Terry Street and the point of beginning. From said point of beginning continue N 0 degrees 58' 00" W along the east line of said Section 28 for 1309.45 feet; thence S 88 degrees 51'10" W for 1244.54 feet to a point on the easterly right of way line of U.S. 41 (State Road 45), new alignment; thence S 0 degrees 27'03" E along said easterly right of way line for 95.14 feet to a point of curvature; thence run southeasterly along said easterly right of way line along the arc of [*14] a curve to the left of radius 11359.16 feet (chord distance - 862.84 feet, chord bearing - S 2 degrees 37'39" E) for 863.04 feet to a point of tangency; thence S 4 degrees 48'15" E along said easterly right of way line for 352.48 feet to an intersection with the northerly right of way line of said Terry Street; thence N 88 degrees 51'10" E along said northerly right of way line for 1196.80 feet to the point of beginning.

LESS AND EXCEPT the following described property:

All that part of Section 28, Township 47 South, Range 25 East, Lee County, Florida and being more particularly described as follows: commence at the Southeast corner of Section 28, thence along the East line of said Section 28, North 00 degrees 36'57" W 30.00 feet to the intersection of said East line with the North right-of-way line of Terry Street, thence along said North right-of-way line South 89 degrees 12'15" West 936.66 feet to the point of beginning of the parcel herein described; thence continue along said North right-of-way line of Terry Street South 89 degrees 12'15" W 260.41 feet to the East right-of-way line of U.S. 41 (Tamiami Trail), thence along said right-of-way line North 04 degrees 27'10" W 20.04 [*15] feet, thence leaving said right-of-way line North 89 degrees 12'15" E 261.69 feet; thence South 00 degrees 47'45" E 20.00 to the said Northerly right-of-way line of Terry Street and the point of beginning of the parcel herein described.

SECTION 29

All of said section lying East of Estero Bay.

SECTION 30

All of said section lying East of Estero Bay.

SECTION 31

That portion of said section lying East of Fish Trap Bay, South of Estero Bay, and North of the Imperial River.

SECTION 32

That portion of the West 1/2 of said section lying North of the Imperial River, and the Northeast 1/4 of said section.

and

Lots 20, 21, 22, 23 and tip of land adjacent to and immediately east of Lot 23, all in the FISH BOWL portion of STANTONS SUBDIVISION-UNRECORDED, in Section 32, Township 47 South, Range 25 East, Lee County, Florida.

and

A lot or parcel of land lying and being in Section 32, Township 47 South, Range 25 East, Lee County, Florida described as follows:

Beginning at the Junction of the North line of the Imperial River and the East line of said Section 32; thence West along the North side of the Imperial River 300 feet to an iron pin at the junction of the Imperial [*16] River and Turtle Bay; thence Northeasterly 300 feet along the shoreline of Tarpon Bay to an iron pin on the East line of said Section 32; thence South 175 feet, more or less to the Point of Beginning.

SECTION 33

That portion of said section lying North of the Imperial River and West of U.S. 41 (State Road 45), LESS AND EXCEPT that portion of the East 1/2 lying South of the North 1,320 feet; and the East 1/2 of the West 1/2 lying South of the North 1,320 feet of said section.

BONITA SPRINGS UTILITIES, INC.

Order Appointing Receiver

EXHIBIT B

IN THE CIRCUIT COURT OF THE
TWENTIETH JUDICIAL CIRCUIT IN
AND FOR LEE COUNTY, FLORIDA

CIVIL ACTION

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

Petitioner,

vs.

CASE NO. 96-6433 CA-RWP

HACIENDA TREATMENT PLANT, INC.

Respondent.

ORDER APPOINTING RECEIVER

THIS MATTER having come before the Court upon the motion of Lee County, and the Court after receiving the advice and recommendations of counsel, and being fully advised in the premises, hereby finds:

Respondent owns and operates a wastewater treatment system within the jurisdictional boundaries of Lee County, specifically in Bonita Springs, Florida, pursuant to Certificate No. 3705 and the provisions of Chapter 367, Florida Statutes, which for purposes of this Order, consists of certain collection lines, transmission lines, and a pump station belonging to Hacienda Treatment Plant, Inc. (the "System").

On or about July 11, 1995, Respondent formally filed a Notice of Abandonment for the System, per Section 367.165, Florida Statutes, and Lee County subsequently filed its Petition to Appoint a Receiver (the "Petition") with this Court for a Receiver to

take possession of and operate Respondent's facilities.

On September 6, 1995, this Court heard the County's Petition and the presentations of certain interested, potential receivers for the System.

Based upon the foregoing and the further evidence taken by the Court pursuant to Section 367.165(2), Florida Statutes, and Part 25-30.090, Florida Administrative Code, it is

HEREBY ORDERED AND ADJUDGED:

- A. The County's Petition is hereby granted.
- B. Section 1. Appointment of Receiver and Term. Bonita Springs Utilities, Inc. is hereby appointed to act as the Receiver for the Respondent's System. The term of this receivership shall begin on the date of this Order and shall continue until such time as the Receiver sells or otherwise disposes of the property of the Respondent's wastewater assets comprising the System, or is relieved as Receiver by this Court by formal motion and order. Upon termination or expiration of the receivership as provided for herein, the Receiver shall be released from all further obligations to operate and maintain the System as a Receiver. Should the term of the Receiver terminate and expire due to the sale of the Respondent's System by the Receiver, then the obligations and responsibilities of the Receiver shall terminate and expire as of the date of closing of any such sale.

Section 2. Surrender of Property, Assets, Documents, and Facilities. All property, assets, documents, and facilities of Hacienda Treatment Plant, Inc. System as described herein, and subject to the Florida Public Service Commission Certificate

No. 3705 at the time of abandonment, shall be turned over to Bonita Springs Utilities, Inc. pursuant to this Order. Hacienda Treatment Plant, Inc., to any extent that it may not have already done so, shall: (1) turn over and produce to the Receiver, customer account records, any contracts, agreements, non-privileged correspondence (i.e., attorney work product not subject to discovery), legal pleadings, business records, easements, construction drawings, record drawings, O&M manuals, permits, operating protocol, and any other documents related to the System, as applicable, to include real property, assets and liabilities associated therewith, in order that the Receiver may then operate and maintain said System, and (2) surrender all real and personal property to the Receiver. Upon entry of this Order, Hacienda Treatment Plant, Inc. shall turn over and produce any bank accounts, bank account records, customer deposit, cash, and accounts receivable balances to the Receiver which relate to the subject abandoned property and franchise.

Notwithstanding the foregoing, nothing in this Section 2 shall affect whatever legal claims Respondent may or may not have had or owned prior to the date of its filing of its Notice of Abandonment on July 11, 1995, and nothing in this Section 2 shall in any way determine whether or not any such claims have themselves been abandoned.

Section 3. Receiver Powers. Once the documents from the System and the real and personal property associated therewith are surrendered to the Receiver in accordance with Section 2 above, the Receiver shall send written notice of receipt thereof to this Court, shall indicate its acceptance of the appointment as Receiver, shall

cause the operation of the System until such time as provided for in Section 1, and shall continue the lawful operation and maintenance of the System and the utility service to the customers of Hacienda Treatment Plan, Inc.. In order to effectively carry out its responsibilities under this Order, the Receiver shall have the following powers and authority:

(1) to provide and maintain sewer collection service within the designated service area in compliance with all applicable permits, regulations and statutes;

(2) to make extensions, expansions, repairs, replacements, and improvements to the System as appropriate and necessary;

(3) to collect any rates, fees and charges, and deposits for all services provided to the System in accordance with all applicable state laws and as applicable;

(4) to borrow money, and to pledge or encumber the facilities, assets and revenues of the System for the repayment thereof;

(5) to enter into contracts or agreements with any other public agency or private entity providing for or relating to the operation and maintenance of the System or the connection of the customers to any other public or private sewer system;

(6) to accept any gifts, grants, or contributions in kind in connection with the management, operation, and maintenance of the System;

(7) to retain and pay the fees, costs, and salaries of accountants, architects, engineers, attorneys, employees, or other professional consultants as necessary or desirable, in the management, operation, or maintenance of the System and to ensure compliance with all provisions of this Order for any rates, fees and charges authorized

under this Section 3;

(8) to pay from the revenues collected from the customers of the System, all necessary and reasonable operating expenses (including the costs and expenses contemplated in this Section 3) in a manner designed to continue the efficient, effective and environmentally sound operation of the System, and Receiver may expend such reasonable amounts as prudent, necessary, and advisable, in the professional judgment of Receiver, in order to effectuate the efficient, effective, and environmentally sound operation of the System. The System and its successors and assigns, including any party who purchases or acquires said System, shall be indebted to Receiver for the full extent of such aforementioned reasonable expenses and shall pay Receiver for such aforementioned reasonable expenses out of the first monies available or at any closing on the transfer or acquisition of the System, whichever comes first;

(9) to sue or be sued, to implead or to be impleaded, to complain and defend in any court, and to seek all legal or equitable relief in accordance with applicable state law;

(10) to apply for and obtain any applicable federal, state, and local governmental permits, certificates, licenses, or other approvals in order to operate and maintain the System;

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

Section 4. Continuing Jurisdiction. This Court shall retain jurisdiction in this cause to enter such further orders or take any action as it deems appropriate. Nothing

in this Order is intended to determine what entity may be ultimately and/or permanently responsible for the operation and maintenance of the System. In the event of a disposition of the System by the Receiver to any person, firm or entity, then, on the date of closing of such sale, this Order shall terminate and expire, and this matter shall be closed. The Receiver shall file notification of any sale with this Court no later than ten (10) business days following the date of any such sale.

Section 5. Immunity from Liability and Violations. As consideration for Receiver assuming the responsibility for the continued operation and maintenance of the System, the Receiver and its agents and employees are hereby declared to be held harmless and not legally responsible for any or all claims, liability, demands, damages, expenses, fees, fines, penalties, suits, proceedings, actions and fees, including attorneys' fees, that have arisen or may arise out of (or be the result of) the past design, construction, operation, and maintenance of the Hacienda Treatment Plant, Inc. System. This immunity shall include but not be limited to: immunity from injury to persons, damage to property or property rights, or violation of any governmental law, rule, regulation or requirement that may arise from the design, construction, operation, or maintenance of the System prior to the date of appointment of the Receiver, or during the period of receivership, if such injury, damage or violation is the direct result of prior design, construction, operation or maintenance of the System.

Section 6. Florida Public Service Commission Matters. In its capacity as Court-appointed Receiver, Bonita Springs Utilities, Inc. shall function as the conservator of this Court, shall preserve the assets of the System, and maintain the environmentally

sound operation of the System until such time as the System may be disposed of pursuant to the terms and provisions of this Order. As the Court's Receiver, Bonita Springs Utilities, Inc. shall advise the Public Service Commission ("PSC") as to the disposition of all customer deposits and the effective date of the cancellation of Certificate No. 3705 for the System. This Order shall in no way be construed, however, as conferring any jurisdiction upon the Public Service Commission over Bonita Springs Utilities, Inc. in any capacity. Additionally, this Section 6 shall be read in concert with Section 5 hereof.

Section 7. Respondent's Liability. Hacienda Treatment Plant, Inc. 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 the Receiver.

Section 8. Receiver's Separation of Funds. Bonita Springs Utilities, Inc., as Receiver, is hereby directed by this Court to maintain separate accounts and records for the management of the Respondent's System. Additionally, this Court hereby directs that any revenues from the Respondent's utility are not to be considered the revenues of the Receiver, nor are any revenues of the Receiver to be considered those of the Respondent's utility.

Section 9. Receiver's Obligations for Operation. The Receiver in this cause is hereby directed to operate the System until disposed of per the provisions of this Order. The System shall be operated by the Receiver in such a manner so as to provide efficient, effective and environmentally sound continuous service to the

customers of the System during the term of this receivership, and which can be provided from the revenues of the System.

Section 10. Receiver's Accounting to the Court. The Receiver shall submit to the Court, through LEE COUNTY for prior review and analysis, quarterly financial and operational reports for the System, for the duration of its receivership.

DONE AND ORDERED in chambers at Fort Myers, Lee County, Florida this
5 day of Oct, 1995.

S/ R. WALLACE PACK

R. WALLACE PACK
Circuit Judge

Pursuant to Rule 1.080
Florida Rules of Civil Procedure

BONITA SPRINGS UTILITIES, INC.

Order Acknowledging Abandonment and Appointment of Receiver

EXHIBIT C

In Re: Notice of Abandonment of Wastewater System Serving
Hacienda Village Subdivision, Citadel and Colonnades
Condominiums, and Comfort Inn in Lee County by Hacienda
Treatment Plant, Inc.

DOCKET NO. 951038-SU; ORDER NO. PSC-96-0167-FOF-SU

Florida Public Service Commission

96 FPSC 2:72
1996 Fla. PUC LEXIS 314; 96 FPSC 72

February 6, 1996

PANEL:

The following Commissioners participated in the disposition of this matter:
SUSAN F. CLARK, Chairman, J. TERRY DEASON, JOE GARCIA, JULIA L. JOHNSON, DIANE
K. KIESLING

OPINION:

[*72] ORDER ACKNOWLEDGING ABANDONMENT AND APPOINTMENT OF RECEIVER

BY THE COMMISSION:

On July 11, 1995, Mr. Robert G. Brown, president and owner of Hacienda Treatment Plant, Inc. (Hacienda or utility), notified the Commission by copy of a notice to Lee County of his intent to abandon the utility pursuant to Section 367.165, Florida Statutes. [*73] Hacienda is a Class C utility, presently serving 351 customers in Bonita Springs, Lee County, Florida. In its 1994 annual report, the utility listed revenues of \$ 72,192 and a net operating loss of \$ 20,189. On October 5, 1995, Circuit Judge R. Wallace Pack, Circuit Court, Twentieth Judicial Circuit, Lee County, Florida, appointed Bonita Springs Utilities (BSU) receiver for Hacienda. BSU is a utility exempt from Commission regulation.

The court order appointing receiver provides, inter alia, that:

The term of the receivership shall continue until the receiver sells or otherwise disposes of the property or is relieved by the Court.

All property, assets, documents, and facilities pertaining to Hacienda shall be surrendered to the receiver.

The receiver shall have the power to make any extensions, expansions, repairs, replacements and improvements to the wastewater collection service as appropriate and necessary.

The receiver shall have the power to collect any applicable rates, fees, charges and deposits; borrow money and pledge or encumber the facilities, assets and revenues; enter into contracts or agreements relating to the operation and maintenance of the system; and accept any gifts, grants and contributions in connection with the system.

The receiver shall have the power to retain and pay any fees, costs, and salaries as necessary and desirable for management and operation of the system and pay all necessary and reasonable operating expenses from the revenues collected from the system's customers.

The receiver is authorized to act on behalf of the utility with respect to all legal actions and to apply for and obtain any applicable permits, certificates, licenses or approvals to operate and maintain the system.

As a result of a series of violations, Hacienda entered into a consent order with the Florida Department of Environmental Protection on May 12, 1995, in which it chose to abandon its 85,000 gallons per day treatment plant and drainfield and to connect with BSU's regional treatment plant. After the connection occurred in May and June, 1995, the remaining system consisted of Hacienda's collection and transmission lines and a pump station.

On October 12, 1995, Hacienda submitted an application for transfer to BSU and the cancellation of its Certificate No. 370-S, with payment of its 1995 regulatory assessment fees up to the time of BSU's appointment. The application for transfer was inappropriate. BSU's legal status is simply and clearly that of receiver for the utility. In the appointment order, the court said that "[n]othing in this Order is intended to determine what entity may be ultimately and/or permanently responsible for the operation and maintenance of the System." Neither BSU nor anyone else has entered into a purchase and sale agreement for [*74] Hacienda. Section 365.165(2), Florida Statutes, provides that the receiver shall operate the utility until such time as the receiver disposes of the property of the utility in a manner designed to continue the efficient and effective operation of utility service. Section 367.165(3), Florida Statutes, provides that a receiver operating an abandoned utility shall be considered to hold a temporary authorization from the Commission.

Accordingly, we find it appropriate to acknowledge the abandonment of Hacienda Treatment Plant, Inc., and the appointment of Bonita Springs Utilities, Inc., as its receiver. Furthermore, we find it appropriate to disregard the utility's application for transfer. Nevertheless, Hacienda's payment of the utility's regulatory assessment fee for the period of time in 1995 preceding BSU's appointment was proper.

Based on the foregoing, it is, therefore:

ORDERED by the Florida Public Service Commission that the abandonment of Hacienda Treatment Plant, Inc., and the appointment of Bonita Springs Utilities, Inc., on October 5, 1995, as its receiver are hereby acknowledged. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 6th day of February, 1996.

BLANCA S. BAYO, Director

Division of Records and Reporting

BONITA SPRINGS UTILITIES, INC.

Order Approving Recommendation for Disposition of Assets

EXHIBIT D

IN THE CIRCUIT COURT OF THE
TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

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

Petitioner,

vs.

CASE NO. 95-6433 CA-RWP

HACIENDA TREATMENT PLANT,
INC.

Respondent.

95 NOV 5 11:13 AM
FILED IN 95-6433
BY [Signature]
D.C.

ORDER APPROVING RECOMMENDATION
FOR DISPOSITION OF ASSETS OF HACIENDA TREATMENT PLANT, INC.

This matter was heard pursuant to Receiver, Bonita Springs Utilities, Inc.'s ("Receiver"), Motion to Approve Recommendation for Disposition of Assets of Hacienda Treatment Plant, Inc. Upon review of the file and having heard argument of counsel, this Court finds:

1. Since October 5, 1995, Receiver has operated the wastewater system that comprises Hacienda Treatment Plant, Inc. ("Hacienda") During that time, no proposals from third parties to acquire Hacienda's assets have been received by Receiver.

2. It is in the best interest of the customers previously served by Hacienda, that Receiver acquire Hacienda's assets. Disposal of Hacienda's assets to Receiver will provide the most efficient and effective operation of wastewater service to Hacienda's customers.

3. A majority of Hacienda's customers, as listed in composite Exhibit "B" to the Receiver's Motion for Approval of

Recommendation, consent to the disposition of Hacienda's assets as set forth above.

THEREFORE, it is ORDERED AND ADJUDGED:

1. The recommendation for disposition of Hacienda's assets is accepted and approved.

2. Receiver shall execute a Bill of Sale, Quit Claim Deed, and Assignment of Easements to evidence conveyance of Hacienda's assets. Receiver shall assume operational responsibility and shall be the lawful owner of Hacienda's assets, including all easement rights, free and clear of any liens, encumbrances, claims for noncompliance with environmental standards, or claims of creditors of Hacienda.

3. Hacienda shall, within ten days of the date of this order, if it has not already done so, deliver to Receiver all keys, customer lists, customer account records, contracts, agreements, business records, easements, construction drawings, record drawings, Operations and Maintenance manuals, permits, operating protocol, and any other documents related to Hacienda's assets.

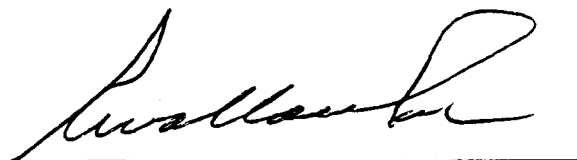
4. Receiver shall wind up all activities and matters relating to the receivership and provide a final accounting to Lee County, Florida dealing with all revenues, expenses, bank accounts, bank account records, customer deposits, cash, accounts payable and accounts receivable balances.

5. This Order is conditioned on the Florida Public Service Commission ("PSC") (a) unconditionally acknowledging the transfer of Hacienda's assets to Receiver, (b) relinquishing jurisdiction

over Hacienda, (c) asserting no claim of jurisdiction over Receiver, and (d) acknowledging that Receiver has no further obligation to the PSC. This Order is further conditioned on the Lee County Board of Commissioners approving such rates and charges as are required by Receiver to own and operate Hacienda's water and wastewater system in accordance with Receiver's recommendation.

6. This Court reserves jurisdiction over the parties hereto, and the subject matter hereof, for purposes of entering such further orders as may be necessary.

DONE AND ORDERED in Chambers this 4 day of Nov,
1998.



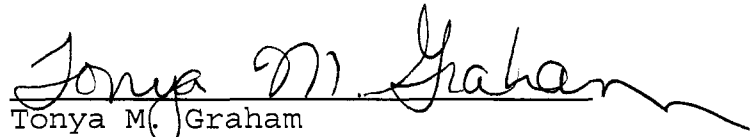
R. WALLACE PACK
Circuit Judge

Copies furnished to:
David M. Owen, Esq.
Daren L. Shippy, Esq.
David L. Cook, Esq.
John D. Spear, Esq.

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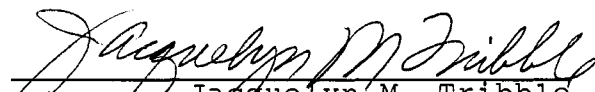
AFFIDAVIT

I, Tonya M. Graham, secretary of the attorneys for Bonita Springs Utilities, Inc., do hereby certify and swear that I have provided the attached Notice to each of the customers of the Utility by U.S. mail on this 12th day of March, 1999, in accordance with the requirements of PSC Order No. PSC-94-1474-FOF-WU.


Tonya M. Graham

STATE OF FLORIDA)
COUNTY OF LEON)

The foregoing instrument was acknowledged before me this 12th day of March, 1999, by Tonya M. Graham, who is personally known to me ~~or who has produced~~ _____ as identification.


Print Name Jacquelyn M. Tribble
Notary Public
State of Florida at Large
My Commission Expires:



JACQUELYN M. TRIBBLE
MY COMMISSION # CC464168 EXPIRES
June 5, 1999
BONDED THRU TROY FAIR INSURANCE, INC.

March 12, 1999
NOTICE OF TRANSFER OF FACILITIES DUE TO ABANDONMENT
AND CANCELLATION OF CERTIFICATE

Bonita Springs Utilities, Inc., P.O. Box 2368, 11900 East Tarry Street, Bonita Springs, Florida 34133, pursuant to Section 367.071, Florida Statutes and Rule 25-00.000, F.A.C., hereby gives notice of its intent to apply to the Florida Public Service Commission for transfer of the facilities and assets of Macenda Treatment Plant, Inc. ("Macenda") and cancellation of Macenda's Certificate 070-5, which includes the following described territory located in Lee County, Florida:

Township 47 South, Range 25 East

SECTION 34

Commencing at the southwest corner of said section 34 run south 89 degrees 14.19' East along the south line of said section for a distance of 2,641.49 feet; thence north 00 degrees 16.30' East along the North-South Quarter section line of said section 34 for a distance of 632.79 feet to the southeast corner of Lot 12 of that certain subdivision known as "Bonita Farms" as recorded in Plat Book 2 at page 27 of the public records of Lee County, Florida and the point of Beginning; from said point of Beginning continue north 00 degrees 16.30' East along said Quarter section line for a distance of 643.24 feet; thence north 89 degrees 41.70' West for a distance of 659.66 feet; thence south 00 degrees 01.70' West for a distance of 643.25 feet; thence south 89 degrees 41.70' East for a distance of 656.25 feet to the point of Beginning.

AND

From (.12) the point of Beginning as just described, run north 00 degrees 16.10' East along the West line of Heltman's Bonita Springs Townsite, according to the plat recorded in Plat Book 6 at page 24 of said public records for a distance of 1,949.61 feet to the southerly R-O-N line of Pennsylvania Avenue; thence run south 89 degrees 43.50' East along said R-O-N line for a distance of 616.29 feet; thence run south 00 degrees 25.24' West 50 feet West of and parallel with the East line of Lots 2 and 7, Block 57, and the southerly prolongation of said line, and 50 feet West of and parallel with the East line of Lots 2 and 7 Block 56, and a southerly prolongation of said line, and 50 feet West of and parallel with the East line of Lots 2 and 7, Block 55, and a southerly prolongation of said line; for a distance of 1,949.62 feet; thence run north 89 degrees 43.50' West parallel with and 25 feet south of the south line of Lots 7 and 8, Block 55, for a distance of 611.15 feet to the point of Beginning.

AND

From the point of Beginning as previously described, run north 01 degrees 29.04' West a distance of 624.81 feet; thence north 88 degrees 11.49' East for a distance of 660 feet; thence south 01 (.12) degrees 29.04' East for a distance of 660 feet to a point on the North R-O-N line of Bonita Beach Road; thence south 01 degrees 22.58' East and continuing along said North R-O-N line for a distance of 7.00 feet; thence south 88 degrees 27.02' West along said R-O-N line for a distance of 177.36 feet; thence south 01 degrees 22.58' East and continuing along said North R-O-N line for a distance of 182.65 feet to the point of Beginning.

AND

Commencing at the center of section 34, run East along the East-Near 1/4 line a distance of 1,151.00 feet; thence run north 00 degrees 02.30' West along the East R-O-N line of Macdonald Street a distance of 775 feet to the point of Beginning; thence continue north 00 degrees 02.30' West a distance of 441.55 feet to a point on the top of the bank of the Imperial River; thence run southerly along said river and southerly along a board canal to a point on the line 208.75 feet East of the point of Beginning; thence run West a distance of 208.75 feet to the point of Beginning.

AND

Commencing at the southeast corner of said section, run south 00 degrees 10.50' West along the centerline of Bonita Beach Road a distance of 155 feet; thence run north 01 (.12) degrees 13.38' West a distance of 10 feet to the point of Beginning; thence continue north 01 degrees 13.38' West a distance of 597.91 feet; thence run south 88 degrees 10.10' West a distance of 635.09 feet; thence run south 01 degrees 12.32' East a distance of 324.98 feet; thence run north 00 degrees 29.50' East a distance of 215 feet; thence run south 01 degrees 15.12' East a distance of 172.89 feet; thence run north 00 degrees 10.50' East a distance of 430.09 feet to the point of Beginning.

Any objections to the application must be made in writing and filed with the Director, Division of Records & Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with copy to Daren L. Shipley, Esquire, Rose, Sundstrom & Bentley, 2548 Blaikson Pines Drive, Tallahassee, Florida 32301, no later than 30 days after the last date that the Notice was mailed or published, whichever is later.

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LEON

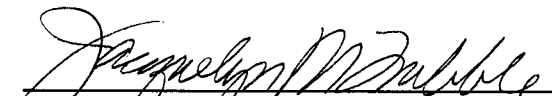
Before me, the undersigned authority, authorized to administer oaths and take acknowledgements, personally appeared TONYA M. GRAHAM, who, after being duly sworn on oath, did depose on oath and say that she works for the law firm of Rose, Sundstrom & Bentley, attorneys for Bonita Springs Utilities Corporation and that on March 12, 1999, she did send by certified mail, return receipt requested, a copy of the notice attached hereto to each of the utilities, governmental bodies, agencies, or municipalities, in accordance with the list provided by the Florida Public Service Commission, which is also attached hereto.

FURTHER AFFIANT SAYETH NAUGHT.



Tonya M. Graham

Sworn to and subscribed before me this 12th day of March, 1999, by Tonya M. Graham, who is personally known to me.



Print Name Jacquelyn M. Tribble
NOTARY PUBLIC
My Commission Expires:



JACQUELYN M. TRIBBLE
MY COMMISSION # CC464168 EXPIRES
June 5, 1999
BONDED THRU TROY FAIR INSURANCE, INC.

March 12, 1999
NOTICE OF TRANSFER OF FACILITIES DUE TO ABANDONMENT
AND CANCELLATION OF CERTIFICATE

Bonita Springs Utilities, Inc., P.O. Box 2368, 11900 East Terry Street, Bonita Springs, Florida 34133, pursuant to Section 367.071, Florida Statutes and Rule 25-30.030, F.A.C., hereby gives notice of its intent to apply to the Florida Public Service Commission for transfer of the facilities and assets of Hacienda Treatment Plant, Inc. ("Hacienda") and cancellation of Hacienda's Certificate 370-S, which includes the following described territory located in Lee County, Florida:

Township 47 South, Range 25 East

SECTION 14

Commencing at the Southwest corner of said Section 14 run South 89 degrees 14'19" East along the South line of said section for a distance of 2,641.49 feet; thence North 00 degrees 16'30" East along the North-South Quarter Section line of said Section 14 for a distance of 658.79 feet to the Southeast corner of Lot 12 of that certain subdivision known as "Bonita Farms" as recorded in Plat Book 3 at page 27 of the Public Records of Lee County, Florida and the Point of Beginning; from said Point of Beginning continue North 00 degrees 16'30" East along said Quarter Section line for a distance of 643.24 feet; thence North 89 degrees 41'30" West for a distance of 659.66 feet; thence South 00 degrees 01'30" West for a distance of 643.25 feet; thence South 89 degrees 41'30" East for a distance of 656.25 feet to the Point of Beginning.

AND

From [*11] the Point of Beginning as just described, run North 00 degrees 16'30" East along the West line of Heitman's Bonita Springs Townsite, according to the plat recorded in Plat Book 6 at page 24 of said Public Records for a distance of 1,949.61 feet to the Southerly R-O-W line of Pennsylvania Avenue; thence run South 89 degrees 43'50" East along said R-O-W line for a distance of 616.29 feet; thence run South 00 degrees 25'24" West (50 feet West of and parallel with the East line of Lots 2 and 7, Block 57, and the Southerly prolongation of said line, and 50 feet West of and parallel with the East line of Lots 2 and 7 Block 56, and a Southerly prolongation of said line, and 50 feet West of and parallel with the East line of Lots 2 and 7, Block 55, and a Southerly prolongation of said line), for a distance of 1,949.62 feet; thence run North 89 degrees 43'50" West parallel with and 25 feet South of the South line of Lots 7 and 8, Block 55, for a distance of 611.15 feet to the Point of Beginning.

AND

From the Point of Beginning as previously described, run North 01 degrees 29'04" West a distance of 624.81 feet; thence North 88 degrees 11'49" East for a distance of 660 feet; thence South 01 [*12] degrees 29'04" East for a distance of 660 feet to a point on the North R-O-W line of Bonita Beach Road; thence South 01 degrees 12'58" East and continuing along said North R-O-W line for a distance of 7.00 feet; thence South 88 degrees 27'02" West along said R-O-W line for a distance of 177.16 feet; thence South 01 degrees 12'58" East and continuing along said North R-O-W line for a distance of 482.65 feet to the Point of Beginning.

AND

Commencing at the Center of Section 14, run East along the East-West 1/4 line a distance of 1,351.00 feet; thence run North 00 degrees 02'10" West along the East R-O-W line of Wisconsin Street a distance of 775 feet to the Point of Beginning; thence continue North 00 degrees 02'10" West a distance of 444.55 feet to a point on the top of the bank of the Imperial River; thence run Southeasterly along said river and Southerly along a boat canal to a Point on a line 208.75 feet East of the Point of Beginning; thence run West a distance of 208.75 feet to the Point of Beginning.

AND

Commencing at the Southeast corner of said Section, run South 88 degrees 30'50" West along the centerline of Bonita Beach Road a distance of 355 feet; thence run North 01 [*13] degrees 13'18" West a distance of 30 feet to the Point of Beginning; thence continue North 01 degrees 13'18" West a distance of 597.91 feet; thence run South 88 degrees 30'10" West a distance of 635.09 feet; thence run South 01 degrees 12'22" East a distance of 324.98 feet; thence run North 88 degrees 29'50" East a distance of 205 feet; thence run South 01 degrees 15'12" East a distance of 177.89 feet; thence run North 88 degrees 30'50" East a distance of 430.09 feet to the Point of Beginning.

Any objections to the Application must be made in writing and filed with the Director, Division of Records & Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with copy to Daren L. Shippy, Esquire, Rose, Sundstrom & Bentley, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, no later than 30 days after the last date that the Notice was mailed or published, whichever is later.

LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY

(VALID FOR 60 DAYS)
01/14/1999-03/14/1999

UTILITY NAME

MANAGER

LEE COUNTY

BAYSHORE UTILITIES, INC. (WU013) 2259 CLUBHOUSE ROAD NORTH FT. MYERS, FL 33917-2523	WAYNE CARSON WAMPLER (941) 482-4024
BONITA COUNTRY CLUB UTILITIES, INC. (SU285) 10200 MADDOX LANE BONITA SPRINGS, FL 34135-7639	MICHAEL J. MICELI (941) 992-2800
BUCCANEER WATER SERVICE (MHC-DEANZA FINANCING LIMITED PART (WU730) 2 NORTH RIVERSIDE PLAZA, SUITE 1515 CHICAGO, IL 60606	DONALD BARTON (813) 995-3337
CHATEAU COMMUNITIES, INC. (SU315) 14205 EAST COLONIAL DRIVE ORLANDO, FL 32826-5111	W. LEON PILGRIM (407) 823-7266
DEL VERA LIMITED PARTNERSHIP (SU612) 2250 AVENIDA DEL VERA NORTH FT. MYERS, FL 33917-6700	ROBERT G. PETERS (941) 543-6200 EXT 528
ENVIRONMENTAL PROTECTION SYSTEMS OF PINE ISLAND, INC. (SU287) 3039 YORK ROAD ST. JAMES CITY, FL 33956-2303	KEVIN J. CHERRY (941) 283-1144
FLORIDA CITIES WATER COMPANY - LEE COUNTY DIVISION (WS076) 4837 SWIFT ROAD, SUITE 100 SARASOTA, FL 34231-5157	ROGER YTTTERBERG (941) 936-3931
FLORIDA WATER SERVICES CORPORATION (WS565) P. O. BOX 609520 ORLANDO, FL 32960-9520	BRIAN P. ARMSTRONG (407) 880-0058
FOREST PARK PROPERTY OWNER'S ASSOCIATION (SU645) 5200 FOREST PARK DRIVE NORTH FT. MYERS, FL 33917-5404	JOSEPH B. SYMONS
FOREST UTILITIES, INC. (SU293) 6385 PRESIDENTIAL COURT, SUITE 104 FT. MYERS, FL 33919-3576	DAVID SWOR (941) 481-0111
FOUNTAIN LAKES SEWER CORPORATION (SU572) 523 SOUTH EIGHTH STREET MINNEAPOLIS, MN 55404-1078	JERRY A. SHERMAN (612) 305-2927

LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY

(VALID FOR 60 DAYS)
01/14/1999-03/14/1999

UTILITY NAME

MANAGER

LEE COUNTY (continued)

GULF UTILITY COMPANY (WS096) % GULF ENVIRONMENTAL SERVICES, INC. P. O. BOX 350 ESTERO, FL 33928-0350	CAROLYN B. ANDREWS (941) 498-1000
HACIENDA TREATMENT PLANT, INC. (SU431) % BONITA SPRINGS UTILITIES, INC. P. O. BOX 2368 BONITA SPRINGS, FL 34133-2368	FRED PARTIN (941) 992-0711
HUNTER'S RIDGE UTILITY CO. OF LEE COUNTY (SU674) 12500 HUNTERS RIDGE DRIVE BONITA SPRINGS, FL 34135-3401	DON HUPRICH (941) 992-4900
MHC SYSTEMS, INC. (WS743) % MANUFACTURED HOME COMMUNITIES, INC. 28050 U.S. HIGHWAY 19, N., SUITE 406 CLEARWATER, FL 33761-2629	UTILITY (941) 474-1122
MOBILE MANOR, INC. (WU167) 150 LANTERN LANE NORTH FORT MYERS, FL 33917-6515	CAROL JULIUS (941) 543-1414
NORTH FORT MYERS UTILITY, INC. (SU317) P. O. BOX 2547 FORT MYERS, FL 33902-2547	JACK SCHENKMAN (941) 543-4000 OR -1808
PINE ISLAND COVE HOMEOWNERS ASSOCIATION, INC. (SU724) 7290 LADYFISH DRIVE ST. JAMES CITY, FL 33956-2723	WALTER STACKS (941) 283-3100
SANIBEL BAYOU UTILITY CORPORATION (SU331) 15560 MCGREGOR BLVD., #8 FT. MYERS, FL 33908-2547	FIELD SUPERVISORS (941) 936-6609
SOUTH SEAS UTILITY COMPANY (SU408) 8270-105 COLLETE PARKWAY FT. MYERS, FL 33919-5107	JOE K. BLACKETER (941) 454-8500
SPRING CREEK VILLAGE, LTD. (WS234) 24681 SPRING CREEK VILLAGE BONITA SPRINGS, FL 33134	DENNIS M. WALTCHACK (941) 992-3800/936-8888

LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY

(VALID FOR 60 DAYS)
01/14/1999-03/14/1999

UTILITY NAME

MANAGER

LEE COUNTY (continued)

TAMIAMI VILLAGE WATER COMPANY, INC. (WU740)
9280-5 COLLEGE PARKWAY
FT. MYERS, FL 33919-4848

JOHN J. USTICA
(941) 482-0717

USEPPA ISLAND UTILITY, INC. (WS249)
P. O. BOX 640
BOKEELIA, FL 33922-0640

VINCENT FORMOSA
(941) 283-1061

UTILITIES, INC. OF EAGLE RIDGE (SU749)
200 WEATHERSFIELD AVENUE
ALTAMONTE SPRINGS, FL 32714-4099

CARL J. WENZ
(708) 498-6440

LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY

(VALID FOR 60 DAYS)
01/14/1999-03/14/1999

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

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

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

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

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

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

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

S.W. FLORIDA REGIONAL PLANNING COUNCIL
P.O. BOX 3455
NORTH FT. MYERS, FL 33918-3455

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

LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY

(VALID FOR 60 DAYS)
01/14/1999-03/14/1999

UTILITY NAME

MANAGER

STATE OFFICIALS

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

DIVISION OF RECORDS AND REPORTING
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850