



BAYSIDE

6325 Big Daddy Drive  
Panama City Beach, Florida 32407

ORIGINAL

(850) 234-6668  
Fax (850) 234-1813

May 10, 2001

**RE: FORMAL FILING OF A PROTEST**

Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

010726-105

RECEIVED AND REPORTING  
MAY 11 AM 9:57  
FLORIDA PUBLIC SERVICE COMMISSION

Dear Sir:

This letter is a request that a formal docket be opened, as soon as possible, pursuant to 2530.540(4) and Chapter 25-22 Florida Administrative Code.

Please accept this as a filing for assistance from the Florida Public commission in reaching a resolution to the following problem.

I have requested water and sewer service in an area within a territory assigned by the Commission, but the utility company has denied the request for service.

Mr. Troy Rendell, with the Commission, has attempted to mediate a resolution, but has been unsuccessful.

Utilities, Inc., formed Bayside Utility Services, Inc., a Florida Corporation, and purchased Bayside Utilities, Inc. They continue to own and operate the system under that name. The purchase was approved by the Commission.

Their tariff states that they will extend the system to supply water and sewer service within the territory granted by the Commission. The only charges allowed by the tariff are a \$15.00 Initial Connection Fee, "at a location where service did not exist previously," and a \$300.00 Service Availability Fee for Main Extension Charge.

I have exhausted all avenues in trying to get Bayside Utility Services, Inc. to start the extension of their system. I have paid to begin the engineering of the extension of their system in an effort to get them to start construction.

RECEIVED & FILED

*mm*  
PSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

05899 MAY 11 01

PSC-RECORDS/REPORTING

I formally ask the Commission to immediately order Bayside Utility Services, Inc. to install the necessary sewer lines, manholes, and water distribution lines in order to supply service to the area within their territory. I would also ask that the Commission order the utility company to reimburse me for the sewer and water engineering costs I have already expended.

I am attaching several relevant copies of the pages of the tariff, and copies of past correspondence, which summarize the problems more specifically.

Time is of the essence in this matter, because of the continuing interest I am paying on the funds I have had to borrow. I am at a complete standstill. If Bayside Utility Services, Inc. is not going to supply service within their assigned territory, then I contend that they have abandoned it. If this is the case, then I will have to attempt to receive service from the City of Panama City Beach.

Thank you for your attention to this matter. I await your reply.

Sincerely yours,  
BAYSIDE MOBILE HOME PARK

A handwritten signature in cursive script that reads "Dorothy Burton". The signature is written in black ink and is positioned above the typed name.

Dorothy Burton, Owner

NAME OF COMPANY                      BAYSIDE UTILITIES, INC.

WATER TARIFF

TERRITORY SERVED

CERTIFICATE NUMBER - 469-W

COUNTY - Bay

COMMISSION ORDER(s) APPROVING TERRITORY SERVED -

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
16414	860084-WU	July 24, 1986	Original Certification
17194	860084-WU	Feb. 16, 1987	Reconsideration
18966	870940-WS	March 8, 1988	Name Change

(Continued to Sheet No. 3.1)

Dorothy Burton  
ISSUING OFFICER

PRESIDENT  
TITLE

FLORIDA PUBLIC SERVICE COMMISSION

APPROVED

AUTHORITY NO. WS-97-0199

DOCKET NO. 971401-WS

ORDER NO. PSC-98-1269-FOF-WS

EFFECTIVE DATE October 21, 1998

*Charles H. Hill*

DIRECTOR  
DIVISION OF WATER AND WASTEWATER

NAME OF COMPANY                      BAYSIDE UTILITIES, INC.

WATER TARIFF

(Continued from Sheet No. 3.0)

DESCRIPTION OF TERRITORY SERVED

TOWNSHIP 3 SOUTH - RANGE 15 WEST

SECTION 28

COMMENCE AT THE NW CORNER OF THE SW 1/4 OF NW 1/4 OF SAID SECTION 28, AND RUN EAST 33 FEET TO THE EAST R/W LINE OF WILDWOOD ROAD FOR THE P.O.B., THENCE SOUTH ALONG SAID R/W LINE 621 FEET TO THE INTERSECTION OF A CENTER LINE OF A CANAL EXTENDED A DISTANCE OF 2710 FEET MORE OR LESS TO THE INTERSECTION OF THE NORTHEASTERLY SHORE LINE OF A CANAL AND LAGOON, THENCE RUN SOUTHEASTERLY, NORTHEASTERLY ALONG THE SHORE LINE AND/OR BULKHEAD LINE OF SAID CANAL AND LAGOON TO WHERE IT INTERSECTS THE MEAN HIGH WATER LINE OF WEST BAY, THENCE RUN NORTHEASTERLY ALONG SAID MEAN HIGH WATER LINE A DISTANCE OF 900 FEET MORE OR LESS TO INTERSECTION WITH THE NORTH BOUNDARY LINE OF THE SW 1/4 OF NW 1/4 OF SAID SECTION 28, THENCE RUN WEST ALONG SAID LINE 5029.31 FEET TO THE POINT OF BEGINNING.

Dorothy Burton  
ISSUING OFFICER

PRESIDENT  
TITLE

FLORIDA PUBLIC SERVICE COMMISSION

APPROVED

AUTHORITY NO. WS-97-0199

DOCKET NO. 971401-WS

ORDER NO. PSC-98-1269-FOF-WS

EFFECTIVE DATE October 21, 1998

*Charles H. Hill*

DIRECTOR  
DIVISION OF WATER AND WASTEWATER

NAME OF COMPANY .                    BAYSIDE UTILITIES, INC.

WATER TARIFF

COMMUNITIES SERVED LISTING

<u>County Name</u>	<u>Development Name</u>	<u>Rate Schedule(s) Available</u>	<u>Sheet No.</u>
Bay	Bayside Mobile Home Park	General Service Residential	16.0 17.0

Dorothy Burton  
ISSUING OFFICER

PRESIDENT  
TITLE

FLORIDA PUBLIC SERVICE COMMISSION

APPROVED

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EFFECTIVE DATE October 21, 1998

*Charb H Hill*

DIRECTOR  
DIVISION OF WATER AND WASTEWATER



NAME OF COMPANY  
WATER TARIFF

BAYSIDE UTILITIES, INC.

(Continued from Sheet No. 5.0)

- 10.0 **"POINT OF DELIVERY"** - For water systems, "point of delivery" shall mean the outlet connection of the meter for metered service or the point at which the company's piping, fittings and valves connect with the customer's piping, fittings and valves for non-metered service.
- 11.0 **"RATE SCHEDULE"** - The rate(s) or charge(s) for a particular classification of service plus the several provisions necessary for billing, including all special terms and conditions under which service shall be furnished at such rate or charge.
- 12.0 **"SERVICE"** - Service, as mentioned in this tariff and in agreement with customers, shall be construed to include, in addition to all water service required by the customer the readiness and ability on the part of the Company to furnish water service to the customer. Service shall conform to the standards set forth in Section 367.111 of the Florida Statutes.
- 13.0 **"SERVICE LINES"** - The pipe between the Company's mains and the point of delivery and shall include all of the pipe, fittings and valves necessary to make the connection to the customer's premises excluding the meter.
- 14.0 **"TERRITORY"** - The geographical area described by metes and bounds with township, range and section in a certificate, which may be within or without the boundaries of an incorporated municipality and, may include areas in more than one county.

Dorothy Burton  
ISSUING OFFICER

PRESIDENT  
TITLE

FLORIDA PUBLIC SERVICE COMMISSION

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EFFECTIVE DATE October 21, 1998

*Charles H. Hill*

DIRECTOR  
DIVISION OF WATER AND WASTEWATER

NAME OF COMPANY BAYSIDE UTILITIES, INC.

WATER TARIFF

(Continued from Sheet No. 7.0)

rendered under agreement or agreements entered into between the Company and an agent of the principal, the use of such water service by the principal shall constitute full and complete ratification by the principal of the agreement or agreements entered into between the agent and the Company and under which such water service is rendered.

- 5.0 WITHHOLDING SERVICE - The Company may withhold or discontinue water service rendered under application made by any member or agent of a household, organization, or business unless all prior indebtedness to the Company of such household, organization, or business for water service has been settled in full in accordance with Rule 25-30.320, Florida Administrative Code.

Service may also be discontinued for any violation made by the Customer or Consumer of any rule or regulation set forth in this tariff.

- 6.0 EXTENSIONS - Extensions will be made to the Company's facilities in compliance with Commission Rules and Orders and the Company's tariff.

- 7.0 LIMITATION OF USE - Water service purchased from the Company shall be used by the customer only for the purposes specified in the application for water service and the customer shall not sell or otherwise dispose of such water service supplied by the company.

Water service furnished to the customer shall be rendered directly to the customer through the Company's individual meter and may not be remetered by the customer for the purpose of selling or otherwise disposing of water service to lessees, tenants, or others and under no circumstances shall the customer or customer's agent or any other individual, association or corporation install meters for the purpose of so remetering said water service.

In no case shall a customer, except with the written consent of the company, extend his lines across a street, alley, lane, court, property line, avenue, or other way in order to furnish water service to the adjacent property through one meter even though such adjacent property may be owned by him. In case of such unauthorized extension, remetering, sale, or disposition of service, the customer's water service will be subject to discontinuance until such unauthorized extension,

(Continued to Sheet No. (9.0))

Dorothy Burton  
ISSUING OFFICER

PRESIDENT  
TITLE

FLORIDA PUBLIC SERVICE COMMISSION

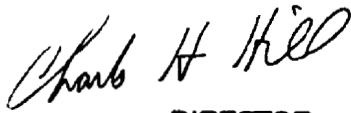
APPROVED

AUTHORITY NO. WS-97-0199

DOCKET NO. 971401-WS

ORDER NO. PSC-98-1269-FOF-WS

EFFECTIVE DATE October 21, 1998



DIRECTOR  
DIVISION OF WATER AND WASTEWATER

NAME OF COMPANY: BAYSIDE UTILITIES, INC.

WATER TARIFF

RESIDENTIAL SERVICE

RATE SCHEDULE RS

AVAILABILITY - Available throughout the area served by the Company.

APPLICABILITY - For water service for all purposes in private residences and individually metered apartment units.

LIMITATIONS - Subject to all of the Rules and Regulations of this tariff and General Rules and Regulations of the Commission.

BILLING PERIOD - Monthly

<u>RATE</u>	<u>METER SIZE</u>	<u>BASE FACILITY CHARGE</u>
	5/8" X 3/4"	\$ 12.03
	3/4"	18.03
	1"	30.06

Gallonage Charge  
Per 1,000 Gallons \$ 1.91

MINIMUM CHARGE - Base Facility Charge

TERMS OF PAYMENT - Bills are due and payable when rendered and become delinquent if not paid within twenty (20) days. After five (5) working days written notice is mailed to the customer separate and apart from any other bill, service may then be discontinued.

EFFECTIVE DATE - June 21, 1999 Dorothy Burton  
ISSUING OFFICER

TYPE OF FILING - 1998 Price Index Owner  
TITLE

FLORIDA PUBLIC SERVICE COMMISSION

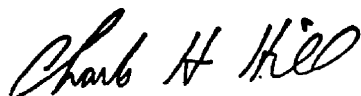
APPROVED

AUTHORITY NO. WS-99-0072

DOCKET NO. N/A

ORDER NO. N/A

EFFECTIVE DATE June 21, 1999



DIRECTOR  
DIVISION OF WATER AND WASTEWATER

NAME OF COMPANY BAYSIDE UTILITIES, INC.  
WASTEWATER TARIFF

GENERAL SERVICE

RATE SCHEDULE GS

- AVAILABILITY - Available throughout the area served by the Company.
- APPLICABILITY - For wastewater service to all customers for which no other schedule applies.
- LIMITATIONS - Subject to all of the Rules and Regulations of this tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD - Monthly

<u>RATE</u> -	<u>METER SIZE</u>	<u>BASE FACILITY CHARGE</u>
	5/8" x 3/4"	\$ 15.43
	3/4"	\$ 23.14
	1"	\$ 38.57
	1-1/2"	\$ 77.14
	2"	\$ 123.43
	3"	\$ 246.85
	4"	\$ 385.71
	6"	\$ 771.42
	Gallonge Charge per 1,000 gallons (No Maximum)	\$ 4.56

MINIMUM BILL - Base Facility Charge

TERMS OF PAYMENT - Bills are due and payable when rendered and become delinquent if not paid within twenty (20) days. After five (5) working days' written notice is mailed to the customer separate and apart from any other bill, service may then be discontinued.

EFFECTIVE DATE - October 21, 1998

Dorothy Burton  
ISSUING OFFICER

TYPE OF FILING - Staff Assisted Rate Case

Owner  
TITLE

FLORIDA PUBLIC SERVICE COMMISSION

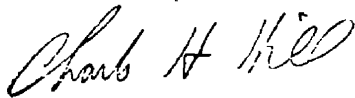
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AUTHORITY NO. WS-97-0199

DOCKET NO. 971401-WS

ORDER NO. PSC-98-1269-FOF-WS

EFFECTIVE DATE October 21, 1998

A handwritten signature in cursive script, appearing to read "Charles H. Hill".

DIRECTOR  
DIVISION OF WATER AND WASTEWATER



NAME OF COMPANY BAYSIDE UTILITIES, INC.

WASTEWATER TARIFF

MISCELLANEOUS SERVICE CHARGE

The Company may charge the following miscellaneous service charges in accordance with the terms state herein. If both water and wastewater services are provided, only a single charge is appropriate unless circumstances beyond the control of the Company requires multiple actions.

INITIAL CONNECTION - This charge would be levied for service initiation at a location where service did not exist previously.

NORMAL RECONNECTION - This charge would be levied for transfer of service to a new customer account at a previously served location, or reconnection of service subsequent to a customer requested disconnection.

VIOLATION RECONNECTION - This charge would be levied prior to reconnection of an existing customer after disconnection of service for cause according to Rule 25-30.320(2), Florida Administrative Code, including a delinquency in bill payment.

PREMISES VISIT CHARGE (IN LIEU OF DISCONNECTION) - This charge would be levied when a service representative visits a premises for the purpose of discontinuing service for nonpayment of a due and collectible bill and does not discontinue service because the customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill.

Schedule of Miscellaneous Service Charges

Initial Connection Fee	\$ <u>15.00</u>
Normal Reconnection Fee	\$ <u>15.00</u>
Violation Reconnection Fee	\$ <u>Actual Cost [1]</u>
Premises Visit (in lieu of disconnection)	\$ <u>10.00</u>

[1] Actual Cost is equal to the total cost incurred for services.

EFFECTIVE DATE - October 21, 1998

TYPE OF FILING - Staff Assisted Rate Case

Dorothy Burton  
ISSUING OFFICER

Owner  
TITLE

FLORIDA PUBLIC SERVICE COMMISSION

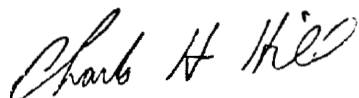
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ORDER NO. PSC-98-1269-FOF-WS

EFFECTIVE DATE October 21, 1998



DIRECTOR  
DIVISION OF WATER AND WASTEWATER

NAME OF COMPANY  
WATER TARIFF

BAYSIDE UTILITIES, INC.

MISCELLANEOUS SERVICE CHARGES

The Company may charge the following miscellaneous service charges in accordance with the terms state herein. If both water and wastewater services are provided, only a single charge is appropriate unless circumstances beyond the control of the Company requires multiple actions.

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EFFECTIVE DATE - October 21, 1998

Dorothy Burton  
ISSUING OFFICER

TYPE OF FILING - Staff Assisted Rate Case

Owner  
TITLE

FLORIDA PUBLIC SERVICE COMMISSION

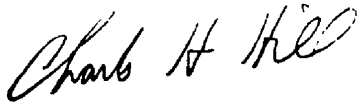
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DOCKET NO. 971401-WS

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DIRECTOR  
DIVISION OF WATER AND WASTEWATER

NAME OF COMPANY BAYSIDE UTILITIES, INC.  
 WASTEWATER TARIFF

SERVICE AVAILABILITY SCHEDULE OF FEES AND CHARGES

<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>REFER TO SERVICE AVAIL. POLICY SHEET NO./RULE NO.</u>
<u>Customer Connection (Tap-in) Charge</u>		
5/8" x 3/4" metered service .....	\$ N/A	
1" metered service .....	\$ N/A	
1 1/2" metered service .....	\$ N/A	
2" metered service .....	\$ N/A	
Over 2" metered service .....	N/A	
<u>Guaranteed Revenue Charge</u>		
With Prepayment of Service Availability Charges:		
Residential-per ERC/month ( )GPD.....	\$ N/A	
All others-per gallon/month.....	\$ N/A	
Without Prepayment of Service Availability Charges:		
Residential-per ERC/month ( )GPD.....	\$ N/A	
All others-per gallon/month.....	\$ N/A	
Inspection Fee .....	N/A	
<u>Main Extension Charge</u>		
Residential-per ERC ( )GPD).....	\$ 300.00	
All others-per gallon .....	\$ Actual Cost [1]	
or		
Residential-per lot ( )foot frontage).....	\$ N/A	
All others-per front foot .....	\$ N/A	
Plan Review Charge .....	N/A	
<u>Plant Capacity Charge</u>		
Residential-per ERC ( )GPD).....	\$ N/A	
All others-per gallon .....	\$ N/A	
<u>System Capacity Charge</u>		
Residential-per ERC ( )GPD).....	\$ N/A	
All others-per gallon .....	\$ N/A	

[1] Actual Cost is equal to the total cost incurred for services rendered by a customer.

EFFECTIVE DATE - October 21, 1998

TYPE OF FILING - Staff Assisted Rate Case

Dorothy Burton  
 ISSUING OFFICER

Owner  
 TITLE

FLORIDA PUBLIC SERVICE COMMISSION

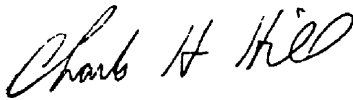
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AUTHORITY NO. WS-97-0199

DOCKET NO. 971401-WS

ORDER NO. PSC-98-1269-FOF-WS

EFFECTIVE DATE October 21, 1998



DIRECTOR  
DIVISION OF WATER AND WASTEWATER

NAME OF COMPANY  
WASTEWATER TARIFF

BAYSIDE UTILITIES, INC.

SERVICE AVAILABILITY POLICY

A Main Extension Charge of \$300 (previously Plant Capacity Charge) is applicable. Main Extension Charge means a charge made by the utility for the purpose of covering all or part of the utility's capital costs in extending its off-site water or wastewater facilities to provide service to specified property. The charge is determined on the "hydraulic share" basis or other acceptable method reasonably related to the cost of providing the service.

EFFECTIVE DATE - October 21, 1998

TYPE OF FILING - Staff Assisted Rate Case

Dorothy Burton  
ISSUING OFFICER

Owner  
TITLE

FLORIDA PUBLIC SERVICE COMMISSION

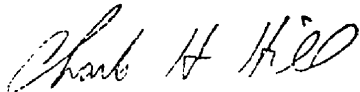
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A handwritten signature in cursive script, appearing to read "Charles H. Hill".

DIRECTOR  
DIVISION OF WATER AND WASTEWATER



**BAYSIDE PARTNERSHIP  
D/B/A/ BAYSIDE MOBILE HOME PARK  
6325 Big Daddy Drive  
Panama City Beach, FL 32407  
Phone 850-234-6668  
Fax 850-234-1813**

**SENT VIA FAX and by U.S. MAIL**

April 25, 2000

Carl Wenz  
Utilities, Inc.  
2335 Sanders Road  
Northbrook, IL 60062

RE: Bayside Mobile Home Park Phase 2

Dear Carl,

I have been prompted by the owners to settle any remaining controversies or problems concerning the development of the vacant land that is a part of Bayside Mobile Home Park and referred to as Phase 2. There are a few remaining unanswered questions that are bothersome to me and there may be items on your side of the table that I may not be aware of. This letter is an effort to bring to the attention of both of us, any areas of disagreement and is an attempt to reach a resolution.

An outline of the problems areas that I see is as follows:

1. I do not believe that it is Bayside Partnership's responsibility to suffer the cost of extending your system in order to offer sewer and water service to the customers who will be applying for service from the 75 lots that we are proposing to develop. It just simply does not make sense to me that we would spend an enormous sum of money developing an asset and then give it to you to operate and to make a profit from. Furthermore, under the rules of the Florida Public Service Commission, if that did occur, I do not understand how you would have any rate base to charge your customers.
2. We are at a point in the development and engineering process, that if you so agree with the above statement (#1), then you will need to coordinate as soon as possible with the engineering firm, McNeil and Associates, the installation of your sewer and water lines, manholes and so on.
3. In the engineering associated with the proposed new development, we paid Mr. McNeil's firm to complete the necessary work involved in getting the sewer and water addition developed and approved. It is our position that the portion of the engineering costs that are associated with the development of the sewer and water addition should be determined by Mr. McNeil's firm and that you should reimburse us for those costs.

I still have somewhat of a problem with the \$186,000 in impact fees which must be paid to the City of Panama City Beach. I would want to make sure that we all have a clear understanding and agreement on how those fees are to be handled and paid.

It is imperative that our two companies reach an agreement on these issues in the very near future in order to not delay the ongoing development of the property. We are near a point where several of the permit applications must be approved and most likely we will start taking bids on paving the streets soon. As you know, the sewer and water lines need to be installed before the streets are paved.

The only alternative I see to not being able to resolve these issues between us is to involve our attorneys or the Florida Public Service Commission with the filing of a complaint and ask them to resolve these matters for us in the form of an order.

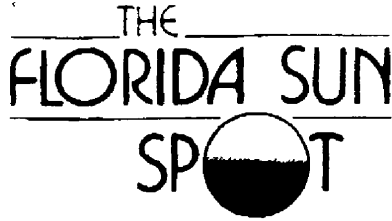
I would like to hear from you or your people on these matters as soon as possible. Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Jeter', written over the word 'Sincerely,'.

Leonard Jeter  
General Manager

cc: Julian Bennett, Attorney  
Don Rasmussen, Bayside Utility Services, Inc.  
Shawn McNeil, Engineer  
Troy Rendell, Florida Public Service Commission



# PANAMA CITY BEACH

Home of the World's Most Beautiful Beach

February 25, 2000

Mr Jerry M Salsano  
Bayside Utility Services, Inc  
200 Weathersfield Avenue  
Altamonte Springs, FL 32714

Re Bayside Mobile Home Park Expansion

Dear Mr Salsano,

We are writing to provide impact fee costs for mobile home and single family residences in your franchise service area. These fees are set by City ordinance. Impact fee worksheets are attached and show a total water and sewer impact fee of \$2420.78 for mobile homes and \$2796.02 for a typical single family home located outside of the City limits. Based on the drawings received to date and assuming that 65 lots will be mobile home sites with an additional 10 lots reserved for single family residences on the bay, the total impact fee would be \$185,310.90. When plans are finalized, we can re-evaluate the actual impact fee payable to the City. Please note that construction cannot commence until these fees are paid or some form of financing is arranged through the City Managers' office.

Should you have any questions, please feel free to contact my office.

Sincerely,

Albert E. Shortt, P E  
Utilities Director

AES/ba

Encl

cc Richard F. Jackson/enc.  
Paul R. Casto/enc

Mayor  
Philip Griffiths

Vice Mayor  
Mike Thomas

Councilmen  
Hoyt "Junior" Cook

Bill Mathieu  
Doug Gilmore

City Attorney  
Doug Sale

City Manager  
Richard E. Jackson

City Clerk  
Mark B. Schnitker

110 SOUTH ARNOLD RD. 32413-2199

FAX (850) 233-5108

PH. (850) 233-5100

BAYSIDE PARTNERSHIP  
D/B/A/ BAYSIDE MOBILE HOME PARK  
6325 Big Daddy Drive  
Panama City Beach, FL 32407  
Phone 850-234-6668  
Fax 850-234-1813

March 21, 2000

Carl Wenz  
Utilities, Inc.  
2335 Sanders Road  
Northbrook, IL 60062

RE: Bayside Mobile Home Park Expansion, Impact Fees to City of Panama City Beach

Dear Mr. Wenz,

I have this day met with Mr. Richard Jackson, City Manager of the City of Panama City Beach and Mr. Jackson has graciously agreed to the following. It is typical in our area for the end user (purchaser of a lot) to pay the impact fees for the water and sewer connections at the time that they purchase the lot and start construction of a home or place a mobile home on the lot and are in need of water and sewer service. Mr. Jackson is notifying the Bay County Building Inspection Department, i.e. Mr. James Pybus, that no permits are to be issued for any of the lots in the Bayside Mobile Home Park Phase II, New Development (75 lots) without first receiving proper documentation from the City of Panama City Beach indicating that the necessary impact fees for that particular lot have been paid to the City of Panama City Beach.

This essentially solves the problem of pre-payment of the \$186,000 in impact fees to the City of Panama City Beach and places the burden of paying the impact fees on the lot purchaser, where it should be.

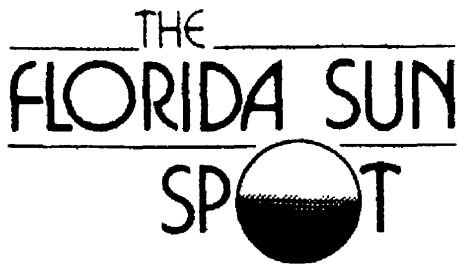
It is my opinion, as I stated before, that you as the utility provider should immediately file for a revision of your tariff with the Florida Public Service Commission and ask that the service availability fees on these new lots be raised from \$300 to approximately \$2500 which is being required by the City of Panama City Beach. I feel that you should also indicate to the City of Panama City Beach that as you receive requests for water and sewer service from customers who purchase these lots, that you will assure them that you will make certain that the proper documentation is in order and as you collect the appropriate impact fees, you will pay them immediately to the City of Panama City Beach and/or require that your customer who is making application for water and sewer service, go directly to the City of Panama City Beach and pay the impact fees.

Since this essentially solves the problem, I would ask again that you indicate to your employee, Mr. Salsano, to expeditiously complete the signing and processing of the permit application and send them back to our engineering firm. I thank you very much.

Sincerely,

  
Leonard Jeter  
General Manager

cc: Mr. Richard Jackson, City Manager, City of Panama City Beach  
Mr. Jerry Salsano, Utilities, Inc.  
Mr. Troy Rendell, Florida Public Service Commission  
Mr. Julian Bennett, Attorney  
Mr. Ben Girtman, Attorney  
Mr. Robert Carroll, McNeil Engineering



# PANAMA CITY BEACH

Home of the World's Most Beautiful Beach

January 16, 2001

Bayside Partnership  
C/O Mr. Leonard Jeter, General Manager  
6325 Big Daddy Drive  
Panama City Beach, FL 32407

Re: Wastewater Utilities  
Bayside Mobile Home Park

Dear Mr. Jeter:

As you discussed with the City Manager, the City will require impact fees to be paid for each residence or structure in the above captioned project prior to obtaining a permit for each structure from Bay County. The proposed project will provide water and sewer services to 76 additional homes at the Bayside Mobile Home Park located on the north side of Big Daddy Drive. Since this development is served by a master meter and the City will not be installing individual meters for these dwellings, the City will rely on your cooperation and Bay County's cooperation in verifying that impact fees are paid prior to their issuing building permits.

Please feel free to call should you have any questions or require clarification on any items.

Sincerely,

Heidi M.C. Rubin  
Engineer

cc: Jimmy Pybus - Bay County  
Richard Jackson  
Albert E. Shortt, P.E.  
Robert Carroll - McNeil Engineering

C:\My Documents\McNeil\Bayside Mobile Home Park Impact Fees.wpd

Mayor  
Lee Sullivan

Vice Mayor  
Bill Mathieu

Councilmen  
Doug Gilmore

Councilwomen  
Linda Moore  
Gayle F Oberst

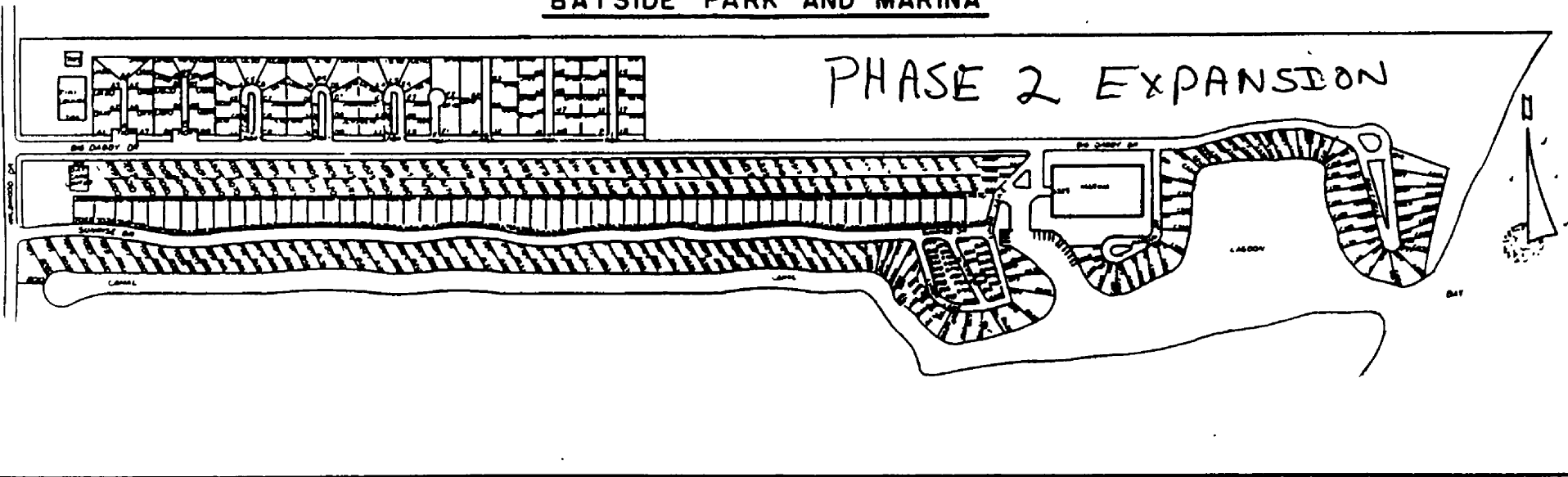
City Attorney  
Doug Sale

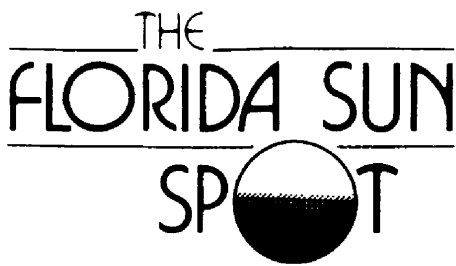
City Manager  
Richard E Jackson

City Clerk  
Mark B Schnitker

BAYSIDE PARK AND MARINA

PHASE 2 EXPANSION





# PANAMA CITY BEACH

Home of the World's Most Beautiful Beach

February 18, 2000

Mr. Leonard Jeter  
Bayside Partnership  
6325 Big Daddy Drive  
Panama City Beach, FL 32407

Re: Wastewater Utilities  
Bayside Mobile Home Park

Dear Mr. Jeter:

The City's policy is to have any new or modified connections to our wastewater system tested and inspected before being put in to use. Our inspections will be limited to verifying that infiltration does not exceed state standards. Since you intend to have additional gravity lines added to your system, the gravity sewer system will require air testing in accordance with UNIBELL Recommended Practice for Low Pressure Air Testing of Installed Sewer Pipe, UNI-B-6.

Please contact our office prior to the air test being conducted to have a City representative there for documentation. The state requires proper DEP certification forms ( Domestic Wastewater Collection/Transmission Systems Certification of Completion of Construction) be submitted immediately after a project has been completed.

The DEP Wastewater Collection/Transmission System permit applications have been signed to expedite your project.

Please feel free to call should you have any questions or require clarification on any items.

Sincerely,

Heidi M.C. Rubin  
Engineer

cc: Robert Carroll - McNeil Engineering  
Paul Casto  
Albert E. Shortt, P.E.

C:\My Documents\Bayside Mobile Home Park.wpd

Mayor  
Philip Griffiths

Vice Mayor  
Mike Thomas

Councilmen  
Hoyt "Junior" Cook

Bill Mathieu  
Doug Gilmore

City Attorney  
Doug Sale

City Manager  
Richard E. Jackson

City Clerk  
Mark B. Schnitker



## BAYSIDE

6325 Big Daddy Drive  
Panama City Beach, Florida 32407

(850) 234-6668  
Fax (850) 234-1813

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April 10, 2001

Mr. Troy Rendell  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Via Fax: 1-850-413-6935

Dear Mr. Rendell,

When we last spoke, about a month ago, you were going to see if you could get a definitive answer to my questions regarding Bayside Utility Services, Inc. You seemed to think that a compromise could be worked out.


On April 6, I was informed by the engineer I have hired, that Mr. Patrick Flynn, of Utility Services, Inc., has refused to sign off on the permits until we execute the contract they sent to us. We hired an engineering firm to try to get things moving forward on our project, because of no response to our request for service from Bayside Utilities Services, Inc.

I am attaching copies of certain correspondence that recap our efforts to get sewer and water service to our project and state our position on this matter.

Please let us have some direction from you as to how to proceed, since the P.S.C. has the jurisdictional authority in this matter. If it is necessary for us to file a formal complaint, we would appreciate instructions as to how to proceed with that.

We need some answers, and would appreciate hearing from you as soon as possible.

Sincerely yours,  
BAYSIDE MOBILE HOME PARK

  
Dorothy Burton, Owner





# BAYSIDE

6325 Big Daddy Drive  
Panama City Beach, Florida 32407

(850) 234-6668  
Fax (850) 234-1813

March 7, 2001

Mr. Marshall Willis  
Bureau Chief, Economic Regulations  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL32399-0850

Dear Mr. Willis:

Enclosed please find a letter to Mr. Troy Rendell, dated March 6, 2000, and written by Mr. Leonard Jeter, the general manager of my mobile home park. I have checked my files and do not find any response to this letter.

As the former owner of Bayside Utilities, Inc. which was sold to Utilities, Inc., I am requesting the help of the Florida P.S.C. to answer the questions posed in the above referenced letter. These questions affect both utility rates and customers.

Very truly yours,  
BAYSIDE MOBILE HOME PARK

Dorothy Burton, Owner

Enc: letter of 3-6-200

1000 0600 0026 3021 2027

*Sent certified*

Mr. Marshall Willis  
 Bureau Chief, Economic Regulations  
 Florida Public Service Commission  
 2540 Shumard Oak Blvd.  
 Tallahassee, FL 32399-0850  
 (850) 234-6668  
 Fax (850) 234-1813

Bayside Mobile Home Park  
 6325 Big Daddy Drive  
 Panama City Beach, FL 32407  
 (850) 234-6668

Enclosed please find a letter to Mr. Troy Rendell, dated March 6, 2000, and written by Mr. Leonard Jeter, the general manager of my mobile home park. I have checked my files and do not find any response to this letter.

As the former owner of Bayside Utilities, Inc. which was sold to Utilities, Inc., I am requesting the help of the Florida P.S.C. to answer the questions posed in the above referenced letter. These questions affect both utility rates and customers.

Very truly yours,  
 Dorothy Burton, Owner

Enc: letter of 3-6-200

BAYSIDE PARTNERSHIP  
D/B/A/ BAYSIDE MOBILE HOME PARK  
6325 Btg Daddy Drive  
Panama City Beach, FL 32407  
Phone 850-234-6668  
Fax 850-234-1813

SENT VIA FAX and by U.S. MAIL

April 25, 2000

Carl Wenz  
Utilities, Inc.  
2335 Sanders Road  
Northbrook, IL 60062

RE: Bayside Mobile Home Park Phase 2

Dear Carl,

I have been prompted by the owners to settle any remaining controversies or problems concerning the development of the vacant land that is a part of Bayside Mobile Home Park and referred to as Phase 2. There are a few remaining unanswered questions that are bothersome to me and there may be items on your side of the table that I may not be aware of. This letter is an effort to bring to the attention of both of us, any areas of disagreement and is an attempt to reach a resolution.

An outline of the problems areas that I see is as follows:

1. I do not believe that it is Bayside Partnership's responsibility to suffer the cost of extending your system in order to offer sewer and water service to the customers who will be applying for service from the 75 lots that we are proposing to develop. It just simply does not make sense to me that we would spend an enormous sum of money developing an asset and then give it to you to operate and to make a profit from. Furthermore, under the rules of the Florida Public Service Commission, if that did occur, I do not understand how you would have any rate base to charge your customers.

2. We are at a point in the development and engineering process, that if you so agree with the above statement (#1), then you will need to coordinate as soon as possible with the engineering firm, McNeil and Associates, the installation of your sewer and water lines, manholes and so on.

3. In the engineering associated with the proposed new development, we paid Mr. McNeil's firm to complete the necessary work involved in getting the sewer and water addition developed and approved. It is our position that the portion of the engineering costs that are associated with the development of the sewer and water addition should be determined by Mr. McNeil's firm and that you should reimburse us for those costs.

I still have somewhat of a problem with the \$186,000 in impact fees which must be paid to the City of Panama City Beach. I would want to make sure that we all have a clear understanding and agreement on how those fees are to be handled and paid.

BAYSIDE PARTNERSHIP  
D/B/A/ BAYSIDE MOBILE HOME PARK  
6325 Big Daddy Drive  
Panama City Beach, FL 32407  
Phone 850-234-6668  
Fax 850-234-1813

March 21, 2000

Carl Wenz  
Utilities, Inc.  
2335 Sanders Road  
Northbrook, IL 60062

RE: Bayside Mobile Home Park Expansion, Impact Fees to City of Panama City Beach

Dear Mr. Wenz,

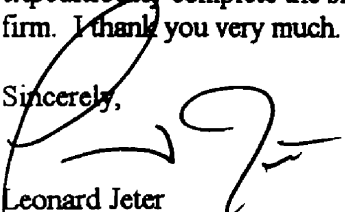
I have this day met with Mr. Richard Jackson, City Manager of the City of Panama City Beach and Mr. Jackson has graciously agreed to the following. It is typical in our area for the end user (purchaser of a lot) to pay the impact fees for the water and sewer connections at the time that they purchase the lot and start construction of a home or place a mobile home on the lot and are in need of water and sewer service. Mr. Jackson is notifying the Bay County Building Inspection Department, i.e. Mr. James Pybus, that no permits are to be issued for any of the lots in the Bayside Mobile Home Park Phase II, New Development (75 lots) without first receiving proper documentation from the City of Panama City Beach indicating that the necessary impact fees for that particular lot have been paid to the City of Panama City Beach.

This essentially solves the problem of pre-payment of the \$186,000 in impact fees to the City of Panama City Beach and places the burden of paying the impact fees on the lot purchaser, where it should be.

It is my opinion, as I stated before, that you as the utility provider should immediately file for a revision of your tariff with the Florida Public Service Commission and ask that the service availability fees on these new lots be raised from \$300 to approximately \$2500 which is being required by the City of Panama City Beach. I feel that you should also indicate to the City of Panama City Beach that as you receive requests for water and sewer service from customers who purchase these lots, that you will assure them that you will make certain that the proper documentation is in order and as you collect the appropriate impact fees, you will pay them immediately to the City of Panama City Beach and/or require that your customer who is making application for water and sewer service, go directly to the City of Panama City Beach and pay the impact fees.

Since this essentially solves the problem, I would ask again that you indicate to your employee, Mr. Salsano, to expeditiously complete the signing and processing of the permit application and send them back to our engineering firm. I thank you very much.

Sincerely,

  
Leonard Jeter  
General Manager

cc: Mr. Richard Jackson, City Manager, City of Panama City Beach  
Mr. Jerry Salsano, Utilities, Inc.  
Mr. Troy Rendell, Florida Public Service Commission  
Mr. Julian Bennett, Attorney  
Mr. Ben Girtman, Attorney  
Mr. Robert Carroll, McNeil Engineering

It is imperative that our two companies reach an agreement on these issues in the very near future in order to not delay the ongoing development of the property. We are near a point where several of the permit applications must be approved and most likely we will start taking bids on paving the streets soon. As you know, the sewer and water lines need to be installed before the streets are paved.

The only alternative I see to not being able to resolve these issues between us is to involve our attorneys or the Florida Public Service Commission with the filing of a complaint and ask them to resolve these matters for us in the form of an order.

I would like to hear from you or your people on these matters as soon as possible. Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Jeter', with a horizontal line extending to the right.

Leonard Jeter  
General Manager

cc: Julian Bennett, Attorney  
Don Rasmussen, Bayside Utility Services, Inc.  
Shawn McNeil, Engineer  
Troy Rendell, Florida Public Service Commission

**BAYSIDE PARTNERSHIP  
D/B/A/ BAYSIDE MOBILE HOME PARK  
6325 Blg Daddy Drive  
Panama City Beach, FL 32407  
Phone 850-234-6668  
Fax 850-234-1813**

March 6, 2000

Troy Rendell  
Public Utility Supervisor  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Dear Mr. Rendell,

A brief summary of the circumstances of the need for me to write to you is as follows.

1. Bayside Partnership owned and operated Bayside Utilities, Inc. from the time it became jurisdictional in the early 1980's until we sold it to Utilities, Inc. last year.
2. The transfer was approved by the Florida Public Service Commission, docket number 981403 WS.
3. The sale price was \$190,000.
4. A specific territory to be served is described in the tariff.
5. It was discussed with Florida Public Service Commission personnel and the purchaser, Utilities, Inc. that vacant land owned by Bayside Partnership, within the boundaries of the territory specified by the Florida Public Service Commission, would soon be developed.
6. At the time of our discussion, it was agreed by all concerned that the service availability fee would be \$300 per lot as specified by the tariff.
7. The purchaser, Utilities, Inc., operates the old Bayside Utilities, Inc. under the name Bayside Utility Services, Inc.
8. For purposes of this correspondence, Utilities, Inc. and Bayside Utility Services, Inc. are one in the same.

Now the need for answers to the following questions comes about as a result of submitting the permit applications to all entities that would be involved in the permitting process of developing the vacant land. All have signed except Utilities, Inc. who has received notification from the City of Panama City Beach that they would be required to pay impact fees of \$186,000. Utilities, Inc. notified Bayside Partnership that Bayside Partnership we would be required to pay the \$186,000 to Utilities, Inc. before they would sign the permits.

I believe that the Florida Public Service Commission is the jurisdictional authority that would be needed to answer my questions. If there is a need to submit certain paperwork to open a case or file a complaint to start an action in order to get these questions answered, please inform me of the appropriate measures to take. My questions are as follows.

1. Would we not, as a developer, make a request to the utility provider, i.e. Bayside Utility Services, Inc., that we were in need of sewer and water connections to each of the platted lots and would it not be the responsibility of the utility provider to expand their system to provide those connections to each platted lot, at their cost and then would it not be appropriate for the utility provider to take the necessary steps provided for under the Florida Public Service Commission rule as to increasing utility rates and go through the process of completing an appropriate rate case so that the cost of expansion would be placed in their rate base and the Florida Public Service Commission would set appropriate rates so that they may recover those costs?
2. As to the question of the \$186,000 in impact fees, would it not also be appropriate for Bayside Utility Services, Inc. to pay that \$186,000 in impact fees to the City of Panama City Beach and do a tariff revision with the Florida Public Service Commission to revise their service availability fees from \$300 per lot to \$2,420.78 for mobile homes and \$2,796.02 for typical single family homes, in the new development, as stipulated by the letter from the City of Panama City Beach to Mr. Salsano of Bayside Utility Services, Inc? (copy attached)
3. Is it not true that service availability fees are in fact fees that are set by the Florida Public Service Commission for each customer to pay who requests new service to a connection and not fees that are intended to be levied against a developer?

If I am correct in my assumptions of the above questions, then we would be developing this additional property in the usual and customary manner that other developers do in this area which is: the property is developed, the lots are sold, the CUSTOMER who purchases the lot from the developer would request water and sewer service from the utility provider AT THAT TIME and would be required to pay the appropriate impact fee or service availability fee AT THAT TIME.

It is important, and I would appreciate as quick an answer as possible, because, as per Mr. Salsano's fax to our engineer (copy attached), he is refusing to sign the permits until this matter is resolved and we are being damaged to the extent of the interest and cost of the equipment and man power because this project is now on hold until this matter is resolved. Thank you.

Sincerely,



Leonard Jeter  
General Manager

**BAYSIDE MOBILE HOME PARK  
6325 Big Daddy Drive  
Panama City Beach, FL 32407  
(850) 234-6668 Tel.  
(850) 234-1813 Fax**

March 1, 2000

Jerry Salsano  
Bayside Utility Services, Inc.  
P.O. Box 160609  
Altamonte Springs, FL 32716

RE: Bayside Mobile Home Park Expansion

Dear Mr. Salsano,

In our telephone conversation today, you commented that you were not privy to the negotiations and closing of the sale of Bayside Utilities, Inc. Therefore, I will direct this letter to you with copies to Mr. Wenz, Julian Bennett, Mr. Rasmussen, the Florida Public Service Commission and Ben Girtman who all were privy to the negotiations and sale.

In that same telephone conversation, when you advised me that you had received notification from the City of Panama City Beach that there would be a \$186,000 impact fee and that you would require that Bayside Partnership pay it, I made the statement that I would have been stupid to have sold the Utility to you for \$190,000 knowing that I would have to pay \$186,000 in impact fees to expand. I stated to you that I would not have sold the Utility under those circumstances until I had completed the expansion. Your retort to my comment was: "It probably would have been a smart idea." I want you to know that I do not take that comment lightly. It would be very interesting to me to know if you or your people were aware at the time of the negotiations and purchase of the Utility that you intended to impose on us, as developers, anything other than the \$300 impact fee required by the tariff. We repeatedly discussed with you and your people, during the negotiations and purchase, our intended expansion and the payment of \$300 per lot impact fee as the only requirement for completing the expansion.

I am in receipt of the letter you received from Mr. Al Short concerning the \$186,000 in impact fees. I have reviewed our documents concerning the sale, the working papers, notes and correspondence and have had discussions with several individuals concerning this situation. I will have our engineers send you all pages of both permits.

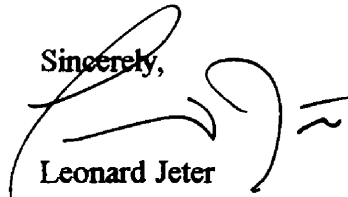
As a matter of formality, I want to inform you and all concerned with Utilities, Inc. that our position at this point is that we have every right to request that you immediately sign the documents for permitting that we sent to you and return them to us at once. Furthermore, it is our position that it is, without any doubt, your responsibility to pay the \$186,000 in impact fees to the City of

Panama City Beach. After you pay the \$186,000 to the City of Panama City Beach, it would then be appropriate for you to do a filing revising your existing tariff with the Florida Public Service Commission concerning service availability fees, requesting that the existing customers' service availability fees remain at \$300 and that the new customers that are generated as a result of the expansion would have a service availability fee of \$2,420.78 for mobile homes and \$2,796.02 for a typical single family home.

That is our position as simply as I can put it. Contrary to that being accomplished and agreed to and the required documents being signed and returned to us immediately, my recommendations to the owners would be to consider filing an action to set aside the sale of Bayside Utilities, Inc. based on the facts that have arisen contrary to our negotiations and agreements.

I will be expecting the documents I have requested to be returned to me at the earliest possible date.

Sincerely,



Leonard Jeter  
General Manager