

State of Florida



Public Service Commission

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

DATE: July 3, 2001
TO: Division of Commission Clerk and Administrative Services
FROM: Patricia Brady, Division of Regulatory Oversight *pb/ysm PR*
RE: Docket No. 010801-WS - Application for transfer of majority organizational control of Bieber Enterprises d/b/a Breeze Hill Utilities, holder of Certificates Nos. 598-W and 513-S in Polk County, from Paul E. Bieber to Terrance Hartigh.

Please add to the docket file the attached May 30, 2001, response from William Talbott to Kenneth J. Wankowski's May 23, 2001, inquiry regarding the proposed transfer. Thank you.

Attachment

cc: Division of Regulatory Oversight (Rieger)
Division of Economic Regulation (Hicks)
Division of Legal Services (Crosby)
Division of Commission Clerk and Administrative Services (Security File)

DOCUMENT NUMBER DATE

08188 JUL-30

FPSC-RECORDS/REPORTING

STATE OF FLORIDA

Commissioners:
E. LEON JACOBS, JR., CHAIRMAN
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI



EXECUTIVE DIRECTOR
WILLIAM D. TALBOTT
(850) 413-6055

Public Service Commission

May 30, 2001

Mr. Kenneth J. Wankowski
W353 N 5984 Lisbon Rd.
Oconomowoc, WI 53066-2422

Re: Bieber Enterprises, Inc. d/b/a Breeze Hill Utilities

Dear Mr. Wankowski:

Thank you for your letter of May 23, 2001, concerning the notice of transfer that Breeze Hill Utilities posted on the homeowners' bulletin board. It is staff's understanding that the transfer of majority organizational control of Breeze Hill Utilities from Mr. Paul Bieber to Mr. Terrance Hartigh occurred on April 13, 2001. It is also staff's understanding that the transfer was made contingent upon Commission approval, pursuant to Section 367.071(1), Florida Statutes.

Staff has had several recent conversations with Mr. Hartigh and Mr. Bieber in order to expedite the filing of the application for transfer. Mr. Hartigh and Mr. Bieber are currently finalizing the paper work and expect to file the application in about a week. Please be assured that staff will notify you as soon as the application is filed. At that time, staff will be able to confirm whether the application was made contingent upon Commission approval.

If you have any further questions or concerns regarding the transfer, please feel free to contact Ms. Patricia Brady at (850) 413-6686.

Sincerely,

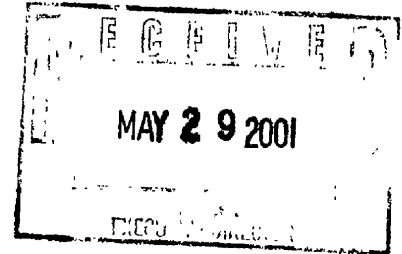
A handwritten signature in black ink, appearing to read "W. D. Talbott", with a long, sweeping flourish extending to the right.

William D. Talbott
Executive Director

cc: Ms. Darleen Evans, Office of the Governor
Representative JD Alexander
Mr. Jack Sheve
Mr. Charles Sheppard
Mr. Paul Bieber
Mr. Terrance Hartigh

May 23, 2001
Oconomowoc, WI 53066-2422

Mr. William D. Talbott, Ex. Dir.
Florida Public Service Comm.
2540 Shumard Oak Drive
Tallahassee, FL 32399-850



Ref: Breeze Hill Utilities

Dear Mr. Talbott:

My neighbor, Mr. Charles Sheppard of 147 Breeze Hill, Lake Wales, FL has recently informed me that a notice had been posted on the homeowners bulletin board in the Breeze Hill community that a MR. TERRY HARTIGH purchased the holdings of Bieber Enterprises, Inc. (which include the water and water treatment plants) effective April 13, 2001. This information has been verified by other residents.

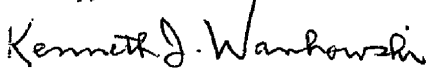
It again raises the question of the utilities being operated without "prior" PSC approval and in violation of Section 367.071, Florida Statutes, the same violation that existed between June 13, 1997 and November 3, 1998, which was merely found to be "regrettable".

Please investigate, and if the allegation is confirmed, we would request the following:

- a). If the contract for the sale, assignment, or transfer of the utilities was made contingent upon receiving PSC approval, furnish me a copy of the documentation provided by the buyer and seller to the commission to substantiate this claim. (I assume the "document" would be in the public realm).
- b). If the above was not provided for, we would request that the PSC take the necessary actions to cancel the application for the proposed sale, assignment, or transfer of the Certificates 598-W and 513-S, or any other operating authority. The imposition of a penalty under Section 367.161 would not be adequate since this would be a repetitive occurrence.

Your efforts to resolve this problem are appreciated. Should additional information be needed, I may be reached at the address and phone number listed below for the next few months

Sincerely,


Kenneth J. Wankowski
W353 N5984 Lisbon Rd.
Oconomowoc, WI 53066-2422
(262) 569-9021

cc's: Governor Bush (Darleen Evans)
Rep. J.D. Alexander
Jack Shreve, O.P.C.
Charles Sheppard
File

(talbott10523)