

State of Florida



# Public Service Commission

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

---

**DATE:** January 3, 2004  
**TO:** Division of the Commission Clerk and Administrative Services  
**FROM:** Division of Economic Regulation (Brady) *AB/R*  
**RE:** Docket No. 020640-SU, Application for certificate to provide wastewater service in Lee County by Gistro, Inc.

---

Please add to the docket file the attached letter received February 2, 2004, from J. Fritz Holzberg, utility owner, to Patti Daniel, Commission staff. The letter and its attachments are submitted in partial response to deficiencies.

Attachment

cc: Division of Economic Regulation (Redemann, Kaproth)  
Office of the General Counsel (Gervasi)  
Division of the Commission Clerk and Administrative Services (security)

DOCUMENT NUMBER-DATE

01587 FEB-3 3

FPSC-COMMISSION CLERK

**GISTRO INC**  
A FLORIDA CORPORATION

P.O.BOX 110 131  
NAPLES FL 34108  
(239) 495 8089 VOICE  
(239)495 8089 FAX

Ms. Patti Daniels  
Supervisor of Certification  
Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL. 32399-0865

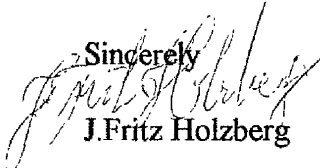
Re: Your letter December 23, 2003

Dear Ms. Daniel:

I will gladly satisfy the curiosity of the staff. I hope this will be the last questions and we will be able to go ahead with the mediation, to give us finally the possibility to create some return on our investment.

Gulf Construction, Inc was correctly established in 1981, as a construction company, before the acquisition of the land for the **Forest Mere Development**. The sewer collection system did operate only in the Forest Mere Development ,after The completion of the system in about 1983 or 4, through 1998. In April 1998 Gulf Construction created a partnership under the name **Forest Mere Joint Venture**, until the present.

Gulf Construction Homes, Inc. and Gulf Construction Homes of Southwest Florida, Inc. operated outside the Forest Mere Development, and could never receive service of the Holzberg sewer system. As this 2 companys are not ours I can not provide you with their tax returns I hope this answers and the last open points for the certificate will satisfy the staff.. Our tax returns we have not received yet. There is only one office in the U.S.A. who is taking orders for reproduction of tax returns.

Sincerely  
  
J.Fritz Holzberg

Attached:  
Warranty Deed  
Department of Environment Regulation.  
Rates and charge for the Forest Mere development  
J.Fritz Holzberg financial statement.

04 FEB -2 PM 1:03  
ECC:REGULATION

DEPARTMENT OF ENVIRONMENTAL REGULATION

10-570  
12, 1988

This instrument was prepared by:

2454868

STANLEY I. LIEBERFARB, ESQ.  
SCHRYVER, LIEBERFARB  
& TREISER, CHARTERED  
201 12th Avenue South, Fourth Floor  
NAPLES, FLORIDA 33940

# Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 28<sup>th</sup> day of April 1988, Between

**GULF CONSTRUCTION PARTNERSHIP, a Florida General Partnership**

of the County of **COLLIER**, State of **FLORIDA**, grantor, and

**FOREST MERE JOINT VENTURE, a Florida General Partnership**

whose post office address is **26511 Southern Pines Drive, Bonita Springs, FL 33923**

of the County of **LEE**, State of **FLORIDA**, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of **TEN and 00/100**-----

(\$10.00) Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee** County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED.

SUBJECT to restrictions, reservations and easements of record and taxes for the current year.

SUBJECT to Revolving Mortgage and Construction Mortgage in favor of Naples Federal Savings and Loan Association, dated July 13, 1983 and recorded in Official Record Book 1680, Page 3306 and November 18, 1983 and recorded in Official Record Book 1699, Page 2719, Public Records of Lee County, Florida, respectively, and as subsequently modified, which mortgages have outstanding principal balances of \$553,685.00 and \$769,315.00, as of the date hereof.

ALSO SUBJECT to that certain Mortgage in favor of First National Bank of Bonita Springs, dated August 3, 1987 and recorded in Official Record Book 1936, Page 3961, Public Records of Lee County, Florida, with present principal balance of \$575,000.00, encumbering Spring Lakes Subdivision, I. and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

\* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's head and seal the day and year first above written. Signed, sealed and delivered in our presence:

*Stanley Lieberfarb*  
*[Signature]*

GULF CONSTRUCTION PARTNERSHIP (Seal)  
By: *J. Fritz Holzberg* (Seal)  
J. FRITZ HOLZBERG, President of  
GULF CONSTRUCTION, INC., a Florida Corporation, General Partner (Seal)

STATE OF FLORIDA  
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared **GULF CONSTRUCTION PARTNERSHIP, a Florida General Partnership** by **J. FRITZ HOLZBERG, President of GULF CONSTRUCTION, INC., General Partner** to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 28<sup>th</sup> day of April 1988

My commission expires:

*Laurie Y. Stuebel*  
Notary Public

NOTARY PUBLIC STATE OF FLORIDA  
BY COMMISSION EXP. JAN 20, 1989

RECORDED BY 12, 1988  
\$10.00  
GULF CONSTRUCTION, INC.  
LEE COUNTY, FLORIDA

REC 989 PG 1842

SAT. IN OR 2729-751  
SAT. IN OR 2729-751

SECRETARY, TREASURER, ROSS & LEIGH  
CHARTERED  
201 12th Avenue South, Fourth Floor  
Naples, Florida 33940

STATE OF FLORIDA  
**DEPARTMENT OF ENVIRONMENTAL REGULATION**

**SOUTH FLORIDA DISTRICT**

2269 BAY STREET  
FORT MYERS, FLORIDA 33901-2896  
(813)332-2667.



BOB MARTINEZ  
GOVERNOR  
DALE TWACHTMANN  
SECRETARY  
PHILIP R. EDWARDS  
DISTRICT MANAGER

PERMITTEE: J. F. Holzberg  
26511 Southern Pines Dr.  
Bonita Springs, FL 33923

I.D.No: 5236P00177  
Permit/Certification  
Number: DO36-133382  
Date of Issue: 9-23-87  
Expiration Date: 9-23-92  
County: Lee  
Latitude: 26° 21' 09" N  
Longitude: 81° 45' 46" W  
Section/Town/Range: 25/47S/25E  
Project: Forest Mere

This permit is issued under the provisions of Chapter 403.087, Florida Statutes, and Florida Administrative Code Rule(s) 17-4, 17-6, 17-7, 17-16 and 17-19. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the department and made a part hereof and specifically described as follows:

To operate a 0.025 MGD capacity, extended aeration process, wastewater treatment plant including gravity filters and drainfields. Drawings of the facility are on file under PATS 70554. Location of project off East Terry Street, Bonita Springs.

DER FORM 17-1.205(5)  
Effective November 30, 1982

Page 1 of 6

**GISTRO INC**  
A FLORIDA CORPORATION

P.O.BOX 110 131  
NAPLES FL. 34108  
(239) 495 8089 VOICE  
(239)495 8089 FAX

November 18,2003

Rates and charges for the Forest Mere Bonita Springs waste water installation.

Annual cost. for 277 single and multifamily homes

F.PL. power	\$ 2.000
Maintenance	4.000
Office work and supplies	20.000
Reserve for part replacement	15.000
Treatment of sewage ( B.S.U.)	25.000
Management salary	18.000
Amortization and return	<u>30.000</u>
<u>tOTAL</u>	\$ 114.000

*J. Fritz & Elsie Holzberg*

POBOX 366 762  
BONITA SPRINGS  
FLORIDA 34136  
(239) 495 8089 Voice  
(239) 495 8089 Fax

November 15, 2003

FINANCIAL STATEMENT

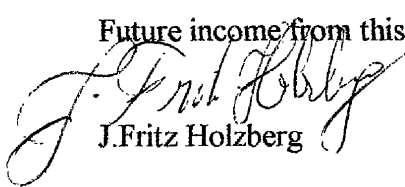
Result of mediation Holzberg Gistro Inc vs. First Home Builders ,ordered by Judge James Seals Lee County Court on 74 connected homes.	\$ 187.500
Expected income on 103 more connwctions	260 979
Equity in building company	240.000
Other items	<u>180.000</u>
<u>Total</u>	\$ 868 479

Suwer collection system. costprice to date \$ 2.447.279.

Value after reinstating. \$ 1.500.000

Annual income of the owners not from this equity \$ 100.000

Future income from this equity?

  
J.Fritz Holzberg