

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

DISTRIBUTION CENTER

04 JUN 28 AM 9:09

In re: Application for Authority)
to Transfer the Facilities of)
COLUMBIA PROPERTIES STUART, LLC)
and Certificate Nos. 336-W and)
291-S in Martin County, Florida)
to UTILITIES, INC. OF HUTCHINSON)
ISLAND)

Docket No. 040179-WS

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04 JUN 28 AM 10:21
COMMISSION
CLERK

MOTION TO INTERVENE

Bayview At Indian River Plantation Condominium Association, Inc., Beachwalk At Indian River Plantation Condominium Association, Inc., Fairway Villas Condominium Association, Inc., Inlet Village Condominium Association, Inc., Lakeside Condominium Association, Inc., Ocean House At Indian River Plantation Condominium Association, Inc., Ocean Terrace Condominium Association, Inc., Plantation House Condominium Association, Inc., Plantation Riverbend Condominium Association, Inc., Plantation Riverwood Condominium Association, Inc., River Village Condominium Association, Inc., Resort Villa Condominium Association No. 1, Inc., Resort Villa Condominium Association No. 2, Inc., Tennis Villas Condominium Association, Inc. (collectively "INTERVENORS"), by and through their undersigned attorney, file this their Motion to Intervene and state as follows:

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
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FPSC-COMMISSION CLERK

Plantation Riverwood Condominium Association, Inc., River Village Condominium Association, Inc., Resort Villa Condominium Association No. 1, Inc., Resort Villa Condominium Association No. 2, Inc., Tennis Villas Condominium Association, Inc. (collectively "INTERVENORS") are all condominium association, non-profit corporations, organized and existing pursuant to Florida Statute 718 and Florida Statute 617. All are non-profit corporations that operate condominium associations located in Martin County, Florida.

2. Pursuant to Florida Statute 718.111, condominium associations are granted standing to represent the condominium unit owners who comprise the association.

3. INTERVENORS are all customers of the Utility which is the subject of this action. INTERVENORS comprise the majority of all customers of the Utility.

4. INTERVENORS are entitled to participate because their substantial interests will be affected through this proceeding.

5. The name, address and telephone number of each INTERVENOR is as follows:

- a. Bayview At Indian River Plantation Condominium Association, Inc.
c/o Plantation Management Services
2115 E. Ocean Boulevard
Stuart, Florida 34996
(772) 220-0005
- b. Beachwalk At Indian River Plantation Condominium Association, Inc.
c/o Plantation Management Company
2115 E. Ocean Boulevard
Stuart, Florida 34996
(772) 220-0005
- c. Fairway Villas Condominium Association, Inc.
c/o Plantation Management Company
2115 SE. Ocean Boulevard
Stuart, Florida 34996
(772) 220-0005

- e. Inlet Village Condominium Association, Inc.
c/o Advantage Property Management
Post Office Box 65
Jensen Beach, FL 34958
(772) 334-8900

- f. Lakeside Condominium Association, Inc.
c/o Advantage Property Management
Post Office Box 65
Jensen Beach, FL 34958
(772) 334-8900

- g. Ocean House At Indian River Plantation
Condominium Association, Inc.
c/o Plantation Property Management
2115 E. Ocean Boulevard
Stuart, Florida 34996
(772) 220-0005

- h. Ocean Terrace Condominium Association, Inc.
c/o Plantation Property Management
2115 E. Ocean Boulevard
Stuart, Florida 34996
(772) 220-0005

- i. Plantation House Condominium Association, Inc.
2115 SE Ocean Blvd.
Stuart, FL 34996
(772) 220-0005

- j. Plantation Riverbend Condominium Association, Inc.
2115 SE Ocean Blvd.
Stuart, FL 34996
(772) 220-0005

- k. Plantation Riverwood Condominium Association, Inc.
2115 SE Ocean Blvd.
Stuart, FL 34996
(772) 220-0005

- l. River Village Condominium Association, Inc.
2115 SE Ocean Blvd.
Stuart, FL 34996
(772) 220-0005

- m. Resort Villa Condominium Association No. 1, Inc.
2115 SE Ocean Blvd.
Stuart, FL 34996
(772) 220-0005
- n. Resort Villa Condominium Association No. 2, Inc.
2115 SE Ocean Blvd.
Stuart, FL 34996
(772) 220-0005
- o. Tennis Villas Condominium Association, Inc.
2115 SE Ocean Blvd.
Stuart, FL 34996
(772) 220-0005

6. Undersigned counsel is the representative for all INTERVENORS.

7. INTERVENORS received notice of this transfer on or about April, 2004 by receipt of a Notice of Application for Transfer and Wastewater Certificate dated March 26, 2004.

8. By letter dated April 15, 2004, INTERVENORS, through their agent, Timothy Kazmier, sent a letter to the Commission. A sample copy of the letter is attached as Exhibit "A". The letter sent was identical for each customer.

9. On or about May 10, 2004, by certified mail, the Commission responded to that letter informing Mr. Kazmier that he must advise the Commission by June 10, 2004 if a formal hearing was to be requested.

10. On or about June 3, 2004, the INTERVENORS sent a letter so advising of a request for a formal hearing.

11. On June 9, 2004, Utilities Inc. of Hutchinson Island ("Utility") filed its Motion to Dismiss.

12. As customers of the Utility, both for water and waste water service, INTERVENORS' substantial interests are affected because they are required to pay for services rendered by the Utility. INTERVENORS believe that the rates charged by Utility may be unreasonable due to the fact that the existing Utility owner has been negligent in its operation of the following areas:

- (a) failure to produce monthly invoices in a timely manner;
- (b) failure to produce proper monthly invoices;
- (c) failure to properly maintain distribution shut off valves through system;
- (d) failure to properly notice owners regarding water emergencies;
- (e) failure to operate the water plant property, resulting in excessive corrosivity of the water delivered. This corrosive water has damaged pipes in the buildings which are operated and maintained by INTERVENORS.

13. Issues of disputed facts relate to whether the Utility has been operated in a negligent manor so as to cause a new owner to expend unreasonable costs which may be passed on to consumers through increased rates.

14. INTERVENORS request the following relief: Resolution of all pending problems prior to any transfer so that INTERVENORS are not subject to increased rates based on purchaser's expenses incurred to cure problems caused by the negligence and/or mismanagement of the Utility by the seller.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail to Blanca Bayó, Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2450 Shumard Oak Blvd., Tallahassee, FL 32399-0850; Katherine E. Fleming, Esquire, Public Service Commission, Capital Circle Office Center, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850; and Martin S. Friedman, Esquire, Rose, Sundstrom & Bentley, LLP, 600 S. North Lake Blvd., Suite 160, Altamonte Springs, FL 32701 on June 24, 2004.

CORNETT, GOUGE & ASSOCIATES, P.A.
Counsel for the INTERVENORS
River Oak Center, First Floor
401 East Osceola Street
Stuart, Florida 34994

(772) 286-2990 telephone

(772) 286-2996 facsimile

By: 

JANE L. CORNETT, ESQUIRE

Florida Bar No.: 330051

Bayview at Indian River Plantation Condominium Association, Inc
2115 SE Ocean Blvd.
Stuart, Florida 34996

April 15, 2004

Division of Commission Clerk and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Attn: Director

As requested in Notice of Application for Transfer of Water and Wastewater Certificate, let this letter serve as an Objection to the Application based on the following:

- * Inability to produce monthly invoices in a timely manner
- * Inability to produce proper monthly invoices
- * Inability to properly maintain distribution shut off valves through system
- * Inability to properly notice owners regarding water emergencies

Sincerely yours,

Timothy D. Kazmier

Timothy D. Kazmier
Manager

cc: Martin S. Friedman

EXHIBIT

"A"