

ORIGINAL 050820-WS

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COMMISSION CLERK

**Legal Notice of Objection**

This notice is to register my objections to amending MSM Utilities (or Utilites as per their legal notice) LLC's water certificate no.611-w and wastewater certificate no 527-s to add territory in Charlotte County, Florida.

Given the vague nature of their legal notice I will state my objections with as much particularity as possible.

I base my objections on the following grounds;

- 1) As a property owner in the proposed area to be taken into their territory I have no interest in switching to a public or privately operated water and wastewater treatment facility.
- 2) Myself and my neighbors have wells and septic systems that work fine. We have already made those investments and have no need for their services. Therefore there is no benefit to the general welfare of our community
- 3) MSM Utilities LLC was only formed very recently. According to public records

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They have no track record which shows the ability to successfully operate water treatment facilities. Let them operate in a real world environment for a number of years. Perhaps five years after their development is built out and operating then if they do a good job, let them apply to take on more territory.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR 1
- CCL 1
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC 1
- OTH KumR

- 4) I have concerns that, once the development that required the creation of this Treatment facility and LLC in order to be approved, is built and sold out, the developer will have little interest in making this Utility company and it operation a high priority in his day to day affairs. It is already not sufficient to warrant his proofing the legal notice to assure their own name was spelled correctly.
- 5) I have concerns as to the quality of the customer service that will be rendered.
- 6) Has this entity or it's manager a proven track record of running a utility company.
- 7) As I understand, this developer's project are comprised of modular homes. In an area where concrete and stucco is considered the standard and given recent hurricane activity much safer, modular homes are cheaper to build and delivers a faster profit. While I understand the homes are built to current code, the fact remains that given a situation where evacuation isn't possible, any sane individual facing riding out 140 mph hurricane winds would, given the choice at the instant before impact, invariably choose the concrete home.

The problem is many, making the purchase decision in advance will choose the savings over the slightly higher cost of building a safer home. I would hate for that same approach to be taken in the construction of a utility company I would be forced to deal with, if annexed into their territory.

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- 8) We the affected people and property owners have not been told why we would benefit from their service. Our water quality is fine. Our septic systems work. And enhancing property values is not an issue as they have doubled in the last year and a half. I only recall letters coming out asking for free easements through our properties.
- 9) What if any bonds or deposits are being posted that failing to operate properly we would be protected.
- 10) I am very pro-Laissez Faire in my beliefs and very much believe in a conservative, less-government-is-better approach. However, if we are destined to have Water and Sewer service, my preference would be that we are served by the county government operating one county wide system. The financial clout, the ability to afford redundant back-up systems and bring political pressure to bear if good service is not provided.

By the nature of water treatment it would be difficult for you to open us up to free market competition because the cost of supplying competing water systems would be outrageous.

And my past experience has been that private corporations, granted monopolies in the market place make for terrible service and high prices.

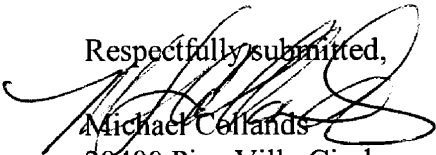
Cable television is but one example. While the free-for-all cell phone market shows how drastically prices can drop and service improves.

- 11) If the entity should be granted their request, with no track record to warrant it and we end up with substandard water and sewer service, we could actually have our properties see declining values as well as risking assessments for the provision of a service we don't want or need.

The legal notice said I must file this in writing within 30 days from the date of their notice. It was not dated although the postmark was already 7 days old when it arrived. It also said I should (but did not say must) mail a copy to the applicant. If I must, please let me know and I will comply. Otherwise please forward him a copy if he needs one.

Thank you.

Respectfully submitted,

  
Michael Collands  
29400 Pine Villa Circle  
Punta Gorda FL 33982

## LEGAL NOTICE

Notice is hereby given on October 18, 2005, pursuant to Section 367.045, Florida Statutes, of the application of MSM Utilitites, LLC to amend its Water Certificate No.611-W and Wastewater Certificate No. 527-S to add territory in Charlotte County, Florida as described in Exhibit A attached hereto and made a part hereof.

Any objection to the said application must be made in writing and filed with the Director, Division of the Commission Clerk & Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

MSM Utilities, LLC  
9696 Bonita Beach Road  
Suite 210  
Bonita Springs, FL 34135

## EXHIBIT A

### **Territory to be added:**

THE SOUTH  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING SOUTHERLY OF BRANCH CREEK (TIDAL)

#### TOGETHER WITH

THE NORTH  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF THE SEABOARD COASTLINE RAILROAD

#### TOGETHER WITH

THE SOUTH  $\frac{1}{4}$  SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING WEST OF THE SEABOARD COASTLINE RAILROAD AND SOUTH OF BRANCH CREEK (TIDAL)

#### LESS AND EXCEPT

THE EXISTING SERVICE TERRITORY FOR THE OAKS AT RIVER EDGE (FORMERLY: HUNTERS CREEK VILLAGE) BEING DESCRIBED AS FOLLOWS:

#### TOWNSHIP 40 SOUTH, RANGE 23 EAST,

#### SECTION 12

THE NE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

AND

THE SE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA

AND

THE NW  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA

AND

THAT PORTION OF GOVERNMENT LOT 2, SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING SOUTH OF LEE BRANCH CREEK

AND

THE WESTERLY 30 FEET OF THE SW  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

#### TOWNSHIP 40 SOUTH, RANGE 23 EAST

#### SECTION 11

ALL OF GOVERNMENT LOT 5, LYING SOUTH OF LEE BRANCH CREEK IN SECTION 11, TOWNSHIP 40 SOUTH, RANGE 23, EAST CHARLOTTE COUNTY, FLORIDA

AND

THE NE  $\frac{1}{4}$  OF THE SE  $\frac{1}{4}$  OF SECTION 11, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK

#### TOGETHER WITH

THE SOUTH  $\frac{1}{4}$  OF SECTION 1, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF SEABOARD COASTLINE RAILROAD

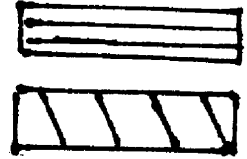
THE SOUTH  $\frac{1}{4}$  OF SECTION 11, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK

THE NORTH  $\frac{1}{4}$  OF SECTION 14, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LYING EAST OF HUNTERS CREEK

THE NORTH  $\frac{1}{4}$  OF SECTION 13, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

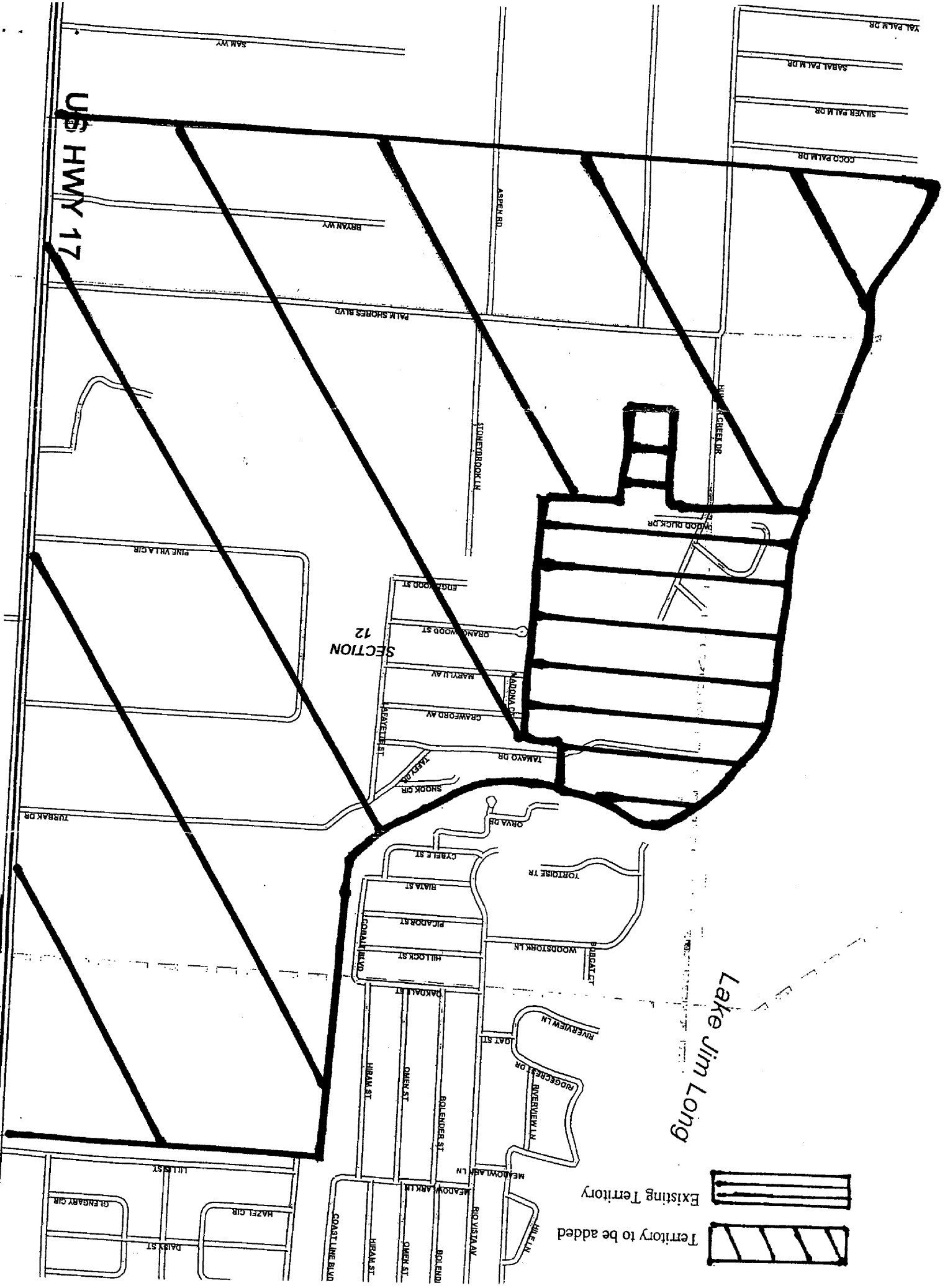
Lake Jim Long

Territory to be added  
Existing Territory



SECTION 12

US HWY 17



Objections enclosed.

Mike Hollands  
29400 Pine Villa Circle  
Punta Gorda, FL 33983

Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

