

State of Florida



ORIGINAL

Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION
CLERK

DATE: March 2, 2006

TO: Kay B. Flynn, Chief of Records, Division of the Commission Clerk & Administrative Services

FROM: Cheryl A. Johnson, Regulatory Analyst IV, Division of Economic Regulation

RE: Docket No. 050912-WS; Application for transfer of majority organizational control of Plantation Bay Utility Co. in Flagler and Volusia Counties from Francois Lazare to Morteza Hosseini-Kargar.

Please include the attached documents in docket file 050912-WS.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC 1
- OTH _____

DOCUMENT NUMBER-DATE

01838 MAR-2 06

FPSC-COMMISSION CLERK

Cheryl Johnson

From: Chuck [cjg7@cfl.rr.com]
Sent: Tuesday, February 28, 2006 11:33 AM
To: Cheryl Johnson
Subject: protest of stock transfer

Dear Ms. Johnson,

Below please find my letter of protest regarding the stock transfer relating to Plantation Bay Utility Company. It was my understanding of our phone conversation that you would distribute a copy to each of the PSC members and appropriate staff.

Thank you for your assistance,

Charles Gillies

Charles J. Gillies
33 Gale Lane ~ Ormond Beach FL 32174
Mailing address: P. O. Box 731835, Ormond Beach, FL 32173-1835
386-689-5222 ~ email: cjg7@cfl.rr.com

February 28, 2006

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

Via e-mail: cjohnson@psc.state.fl.us

Re: Plantation Bay Utility Company
PSC Docket No. 050912-WS

Dear Sirs,

I am writing to protest the transfer of Plantation Bay Utility Company shares from Francois Lazare to Morteza Hosseini-Kargar.

On December 12, 2005, documents were filed that stated that the transfer was from one individual shareholder to another shareholder. I have reviewed the documents available on the internet and the Utility Company's filings and cannot determine that this is true.

At the time the Utility Company filed these documents Mr. Hosseini, also known as

Mori Hosseini and/or Morteza Hosseini- Kargar, was not listed as a shareholder. The Florida Secretary of State does list Mori Hosseini as a director of the Plantation Bay Utility Company. The only place where he signs a document as Mori Hosseini-Kargar is on an undated Stock Purchase Agreement which was filed in December 2005. He adds the word "Trustee" after his signature but does not indicate what he is trustee of.

As near as I can determine from the documents I have and my review of filings on the website, Mr. Hosseini-Kargar was never a shareholder of the Utility Company. Mori Hosseini (also not a shareholder) did control it as President.

As of today, I have not seen a transfer application using the township, range, and section reference of the territory being transferred as required by Florida Administrative Code.

In my previous letter, I questioned the expenses involved in this filing. This expense should not be borne by rate payers of the Utility Company since it has been stated that it is between two shareholders.

Should you approve this petition Plantation Bay Utility ratepayers will be controlled by a developer-owned utility. For the past three years the developer has financed his expansion plans in our community by imposing rates on residents that are twice as high as neighboring communities.

The documents filed do not contain a copy of the original stock certificates in the amount of 340 shares of common stock and 435 shares of common stock nor the date(s) they were issued, nor the transfer certificate(s). There is an indication that this transfer was made with \$300,000 cash but no receipt is offered.

As of February 28, 2006 Mr. Lazare is still listed as a director of the Plantation Bay Utility Company as well as a director of Ecocen Corp, which holds a promissory note from Plantation Bay Utility Company, or Morteza Hosseini or Mori Hosseini or Morteza Hosseini-Kargar.

I believe this transfer should be denied and that it would be beneficial to all parties if Plantation Bay Homeowners Association assumed control of the Utility Company.

Sincerely,

Charles J. Gillies
CJG/sg

C:
Steven C. Reilly, Attorney at Law