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GENERAL COUNSEL
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(850) 413-6248
MAY 17 PM 1:51

COMMISSION
CLERK

Public Service Commission

May 17, 2006

Mr. Michael Flynn, Vice President
Island Club West Homeowners' Association
P.O. Box 135742
Clermont, FL 34713

Re: Docket No. 050595-WS - Application for certificates to provide water and wastewater service in Polk County by Island Club West Development Inc.

Dear Mr. Flynn,

Per our telephone discussion of May 12, 2006, this letter is to request that Mr. Jim Brett and/or the Island Club West Homeowners' Association (Association) clarify whether by Mr. Jim Brett's letter dated January 16, 2006, Mr. Brett and/or the Association requests that a hearing be held in the above-referenced docket. A copy of Mr. Brett's letter is enclosed with this letter for your ready reference.

As you know, Island Club West Development, Inc., a.k.a. Four Points Utility Corporation (Four Points or utility), has filed an application with the Florida Public Service Commission for certificates to provide water and wastewater service. The application contemplates that Polk County will continue to provide these services to Four Points, as a bulk customer of the County, and that Four Points will in turn provide the services to the homeowners at a rate set by the Commission.

CMP _____ The Commission needs to know Mr. Brett's and/or the Association's intent regarding Mr.
COM _____ Brett's objection to this application. If Mr. Brett and/or the Association chooses to pursue the
CTR _____ objection, a formal hearing may be requested, which will be scheduled and at which Mr. Brett and/or
ECR _____ the Association will be required to provide testimony and other evidence to support the objection. The
GCL _____ Commission allows individuals to represent themselves at hearing, such that Mr. Brett could represent
OPC _____ himself, although he may wish to hire an attorney to represent him. However, if the Association
RCA _____ wishes to be represented at the hearing, it would need to hire an attorney or qualified legal
SCR _____ representative to represent the interests of the Association.

RCA _____ Please advise this Commission by **June 19, 2006**, if Mr. Brett and/or the Association intends
SCR _____ to pursue Mr. Brett's objection and wishes to request a formal hearing. The request for hearing should
SGA _____ be made in writing and should be addressed to Blanca Bayó, Director, Division of Commission Clerk
SEC _____ and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard,
OTH _____

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DOCUMENT NUMBER - DATE

04347 MAY 17 06

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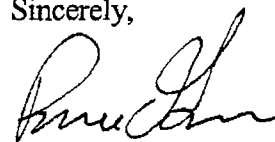
Mr. Michael Flynn, Vice President
Page 2
May 17, 2006

Tallahassee, Florida 32399-0850. If we do not receive a response to this letter by June 19, 2006, we will assume that a formal hearing is not being requested and Mr. Brett's letter will be placed on the correspondence side of the docket file in this case for informational purposes.

If a hearing is not requested, a staff recommendation will be filed in the docket for the Commission's consideration. A copy of the recommendation will be sent to you and to Mr. Brett, along with a letter advising of when the Commission will rule on the application at one of its regularly scheduled agenda conferences in Tallahassee. All interested persons will be welcome to participate on this item at the agenda conference prior to the Commission's vote.

If you have any questions, please feel free to contact me at (850) 413-6224.

Sincerely,



Rosanne Gervasi
Senior Attorney

Enclosure

cc: Division of the Commission Clerk and Administrative Services

ORIGINAL

050595

REGISTRATION CENTER
06 JAN 23 AM 10:30

January 16, 2006

Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
06 JAN 23 AM 11:05
COMMISSION
CLERK

Re: Four Points Utility Corporation
Island Club West

Dear Sir/Madam:

The purpose of this letter is to object strongly to the issuance of a permit to operate a water and wastewater utility to Four Points Utility Corporation. It appears that this application is being made on behalf of David Meadows, in some capacity, since the address is 3100 Sand Mine Road.

We are surprised to see that any consideration would be given to any private utility because the approval of Island Club West, Phases I & II appear to be predicated on the water and wastewater utilities be provided by Polk County. The staff report of Polk County for this property (PUD 99-04) stated in no uncertain terms—"The Applicant shall provide for public water and sewer facilities approved by the Polk County Health Department...", and continues further in its report "The site is located within a Urban Development Area (UDA) and connection to public utilities is required. Polk County Utilities (Northeast Regional Utilities Service Area) will serve the proposed project with water and wastewater services." In the same report the Utilities Division writes "This project is in Northeast Regional Utilities Service Area. The applicant is required to connect to County facilities."

This provision is again cited in the PD Approval Summary for Island Club West, Phase 3, wherein it is stated as Condition No. 8: "No temporary wells shall be permitted on site. All improvements to this site shall connect to water, wastewater and re-use water facilities." This was reiterated on July 17, 2002 wherein it is stated under water and

MP _____
OM _____
TR _____
CR 1 _____
CL 1 _____
PC _____
CA _____
DR _____
SA _____
IC 1 _____
H _____

DOCUMENT NUMBER-DATE

00607 JAN 23 8

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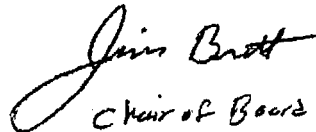
sewer that the Service Provider shall be "Polk County Utilities for water, sewer and re-use irrigation."

There is no other provisions allowing a separate utility to provide water and wastewater treatment. Why would the Public Service Commission attempt to change a condition of development which was imposed by Polk County, the county in which the sub-division is located? It would appear that in order to change this condition that, at a minimum, a public hearing be held, with notices to all homeowners who purchased with the assurance that Polk County would be providing the water and wastewater services. In addition, it appears that Polk County would be required to hold a public hearing, before the Public Services Commission, to change the provisions for development of this project. Homeowners in the Island Club Community who bought their homes with the assurance of a public utility **DO NOT WISH THE FOUR POINTS UTILITY CORPORATION'S PERMIT APPLICATION TO BE CONSIDERED. THE COMMUNITY WISHES TO BE SERVED BY THE POLK COUNTY HEALTH DEPARTMENT FACILITIES.**

A copy of this letter will be sent to Ronald Borchers, Development Services Division Director for Polk County.

Thank you for your consideration of this objection. Should you desire any more information, I can be reached at my work number: (301-454-1601).

Very truly yours,


Chair of Board of Directors
Island Club West HOA