

Section 1 - Bureau of Records Complete

Docket No. 050694-SU Date Docketed: 09/29/2005 Title: Petition for declaratory statement regarding service availability charges by K W Resort Utilities Corp.

Company: K W Resort Utilities Corp.

Official Filing Date: _____

Expiration: _____

Last Day to Suspend: _____

Referred to:

CCA	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA
		X	X				

("O" indicates OPR)

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A12(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
IT IS TENTATIVE AND SUBJECT TO REVISION.
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

0 Current CASR revision level

Due Dates

Previous Current

Staff Counsel

OCRs

Recommended assignments for hearing and/or deciding this case:

Full Commission ___ Commission Panel ___
Hearing ___ Staff ___

Date filed with CCA: _____

Initials OPR _____

Staff Counsel _____

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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	ED	--		

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	ED	--	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
Date: _____

DOCUMENT NUMBER - DATE

10850 NOV 29 8

Section 1 - Bureau of Records Completes

Docket No. 050694-SU Date Docketed: 09/29/2005 Title: Petition for declaratory statement regarding service availability charges by K W Resort Utilities Corp.

Company: K W Resort Utilities Corp.

Official Filing Date: _____

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CCA	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA
		X	X				

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
IT IS TENTATIVE AND SUBJECT TO REVISION.
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

R Bellak

Current CASR revision level

Due Dates
Previous Current

Staff Counsel

R Bellak

OCRs (ECR)

S Hudson, T Rendell

1.	FAW Notice Filed	NONE	10/18/2005
2.	Notice to JAPC	NONE	10/18/2005
3.	Staff Recommendation	NONE	11/17/2005
4.	Agenda	NONE	11/29/2005
5.	Standard Order	NONE	12/14/2005
6.	FAW Notice of Disposition	NONE	12/20/2005
7.	Notice to JAPC (Disposition)	NONE	12/21/2005
8.	Close Docket	NONE	01/11/2006
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Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel
Hearing Staff

Date filed with CCA: 10/13/2005

Initials OPR _____

Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	ED	AR		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	ED	AR	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: 13B/hms
Date: 10/13/2005

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
LISA POLAK EDGAR

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

September 30, 2005

Wayne L. Schiefelbein, Esquire
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301

Re: Docket No. 050694-SU

Dear Mr. Schiefelbein:

This will acknowledge receipt of a petition for declaratory statement regarding service availability charges by K W Resort Utilities Corp., which was filed in this office on September 29, 2005, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Bureau of Records

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COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

January 18, 2006

Jon Wheeler, Clerk
First District Court of Appeals of Florida
301 South Martin Luther King Boulevard
Tallahassee, Florida 32399

**Re: Petition for declaratory statement regarding service availability charges by
K W Resort Utilities Corp., (Docket No. 050694-SU)**

Dear Mr. Wheeler:

Enclosed is a certified copy of a Notice of Appeal of Order No. PSC-05-1217-DS-SU, filed in this office on behalf of Roy's Trailer Park, Inc., filed January 12, 2006.

It is our understanding that the index of record is due to be served on the parties to this proceeding on or before March 3, 2006.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

KF/mhl
Enclosure

cc: Richard P. Lee, Esquire
Susan E. Rice, Esquire
David D. Eastman, Esquire
Wayne L. Schiefelbein, Esquire
David E. Smith, Esquire

DOCUMENT NUMBER DATE

10850 NOV 29 08

FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED-PPSC

05 JAN 12 AM 11:08

In Re: Petition for Declaratory Statement
Regarding Service Availability Charges by
KW Resort Utilities Corp.

Docket No. 050694-SU

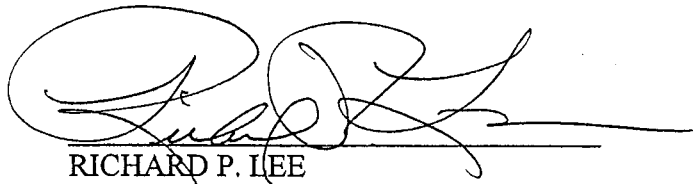
COMMISSION
CLERK

NOTICE OF APPEAL

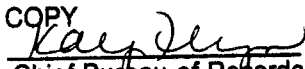
NOTICE IS GIVEN that, ROY'S TRAILER PARK, INC., Appellant, appeals to the District Court of Appeal for the First District, the order of the Public Service Commission dated December 14, 2005.

The nature of the order appealed is a final administrative order granting the Appellee's, KW Resort Utilities Corp.'s, petition for declaratory statement. A copy of the order is attached hereto as Exhibit "A".

Dated this 12th day of January, 2006.




RICHARD P. LEE
FL Bar No.: 0308056
SUSAN E. RICE
FL Bar No.: 550851
DAVID D. EASTMAN
FL Bar No.: 454559
Lutz, Bobo, Telfair, Eastman, & Lee
2155 North Delta Boulevard, Suite 210-B
Tallahassee, Florida 32303
Telephone: 850-521-0890
Facsimile: 850-521-0891

A TRUE COPY
ATTEST 
Chief Bureau of Records

- CMP _____
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- ECR _____
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RECEIVED & FILED


PPSC-BUREAU OF RECORDS

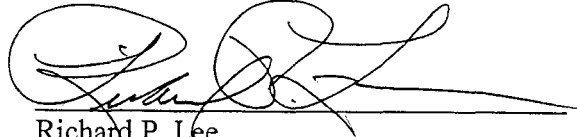
DOCUMENT NUMBER-DATE

00316 JAN 12 08

PPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this notice of appeal has been furnished via U.S. Mail to the counsel of record listed below this 12th day of January, 2006.



Richard P. Lee

Wayne L. Schiefelbein, Esq.
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301
Attorney for Appellee, KW Resort Utilities Corp.

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement
regarding service availability charges by K W
Resort Utilities Corp.

DOCKET NO. 050694-SU
ORDER NO. PSC-05-1217-DS-SU
ISSUED: December 14, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
LISA POLAK EDGAR
ISILIO ARRIAGA

ORDER GRANTING PETITION FOR DECLARATORY STATEMENT

BY THE COMMISSION:

Background

On September 29, 2005, KW Resort Utilities Corp. (Utility or Petitioner) filed a Petition for Declaratory Statement. The Petition asked us to declare that the Utility's service availability charges for connection of its central wastewater service to Roy's Trailer Park (Development), a 103 unit mobile home park, had to be paid by the Development "up-front", rather than amortized over a period of at least 8 years. The Utility asserted in support of the Petition that its Commission-approved tariff did not provide for amortization of the payments and that statutes relied upon by the Development were inapplicable. The Development, on October 7, 2005, and Petitioner, on October 10, 2005, filed legal memoranda in support of their respective contentions.

Discussion

In the Memorandum of Law filed by the Development, various sections of Chapter 723, Florida Statutes, are set out to illustrate the legislative mechanism by which mobile home owners are protected from the imposition of certain unanticipated government-initiated charges which are also charges that can be passed through to mobile home owners. See, Section 723.003(10). The main statutory provision presented in the Development's argument to delineate that protective mechanism is Section 723.046, which states as follows:

723.046 Capital costs of utility improvements – In the event that the costs for capital improvements for a water or sewer system are to be charged to or to be passed through to the mobile home owners or if such expenses shall be required of mobile home owners in a mobile home park owned all or in part by the residents, any such charge exceeding \$200 per mobile home owner may, at the option of the mobile home owner, be paid in full within 60 days from the notification of the assessment, or amortized with interest over the same duration



DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

and at the same rate as allowed for a single-family home under the local government ordinance. If no amortization is provided for a single house, then the period of amortization by the municipality, county, or special district shall be not less than 8 years. The amortization requirement established herein shall be binding upon any municipality, county, or special district serving the mobile home park. [e.s.]

In view of the above, the further conclusions of the Development on page 7 of its Memorandum are reasonable and supported. As there stated,

Section 723.046 limits the timing of the obligations of both home owners and park owners to pay the costs of utility improvements required by governmental action. The "amortization requirement" of section 723.046 which is binding upon local governments and special districts serving the mobile home park, requires local governments to allow payment to be made over a period of not less than eight years. The obvious intent of this provision is that home owners should be allowed to pay their share of capital costs for utility improvements over the same amount of time the park owner is allowed to make payment. The statute provides that the amortization requirement set forth therein is binding upon any local government serving the mobile home park. [e.s.]

The argument presented by the Development, however, begs the question as to whether the Legislature extended this protective mechanism to mobile home owners served by private utilities regulated by us.¹ As noted by the Utility on p. 2 of its Memorandum,

Petitioner is an investor-owned wastewater utility, subject to the regulatory jurisdiction of the Commission. It is not a municipality, county or special district, and is therefore, not subject to Section 723.046(1), Florida Statutes.

The Development's failure to present any convincing authority demonstrating that the Legislature extended the protective scheme in Section 723.046(1) to mobile home owners served by private utilities appears to be dispositive in favor of the Utility's position in this case. The Development's attempt to rely on Section 723.004(2), preempting local government activity in this area to the state, does not demonstrate any effect on our exclusive authority as a state agency to regulate private water and wastewater utilities pursuant to Chapter 367 generally and Section 367.011 specifically.

It is unconvincing as well for the Development to argue, as it does at page 1 of its Memorandum, that

the instant matter has nothing to do with whether Petitioner will receive payment of such [Commission-approved, tariffed service availability] charges or of the

¹ While the need for the Development to connect to KW Resort's central wastewater utility may be "government-initiated", the service availability charge at issue is not. It is a privately initiated charge consistent with the Utility's Commission-approved tariff.

amount of such charges This case addresses only the issue of the time period over which such charges may be collected from a mobile home park owner by the utility. [e.s.]

Section 367.011(2) grants us

exclusive jurisdiction over each utility with respect to its authority, service and rates.

The Development's attempt to distinguish jurisdiction over the amount of the service availability charge from the time period in which the charge must be paid has no support in the statute and misreads our jurisdictional grant from the Legislature. Where, as here, we have approved a certain charge as necessary for the Utility to provide service, a unilateral decision by the purchaser of the service to invoke the Utility's obligation to provide the service and, notwithstanding that, to keep the Utility waiting eight years to receive the approved charge for connecting the service, would nullify the exercise of our jurisdiction over the Utility's authority, service and rates. Clearly, that exercise of jurisdiction in approving the tariff at issue authorized the Utility to provide the service and collect the charge. Since Section 723.046(1) has not been extended to service other than that provided by local governments, the Development can no more delay payment of the authorized connection charge over time than the utility can delay the provision of adequate service over time. See, Section 367.111(2).²

The Development's references to No. PSC-94-0171-WS and United Telephone Company v. Public Service Commission, 496 So. 2d 116 (Fla. 1986), do not alter the analysis. As to Order No. PSC-94-0171-WS, the fact that the Circuit court could adjudicate a contract dispute involving a utility owner's representations to home owners in its development prospectus does not change the fact, referred to in that Order, of our "exclusive jurisdiction over utilities with regard to their service, authority, and rates pursuant to Section 367.011, Florida Statutes." In this case, the Utility is not claimed to have represented to the Development or pass-through purchasers that they could amortize the service availability charge. Indeed, it is undisputed that the tariff at issue does not provide for amortization. There is, thus, no "contract dispute" at issue, only a lack of any demonstration that Section 723.046(1) extends to private utilities.

As to the United Telephone case, we were found therein to lack the authority to modify a contractual business arrangement entered into by telephone companies between themselves. There is not, in this case, any contractual business arrangement between utilities we have sought to modify. United Telephone is, therefore, inapposite to the facts of this case.

The limitation on our jurisdiction which is relevant is the lack of jurisdiction and lack of any attempt to exercise jurisdiction by us over the interaction between the Development and its homeowners. That is the subject matter of Chapter 723 and further evidence that Section

² In effect, though the Development or its pass-through purchasers may have invoked the Utility's obligation to provide service in order to comply with government requirements, they are not being provided that service by municipal, county or special district utilities so as to qualify for Section 723.046(1) amortization.

ORDER NO. PSC-05-1217-DS-SU
DOCKET NO. 050694-SU
PAGE 4

723.046(1) is not correctly read to require the Utility to amortize its service availability charges to its customer, the Development.

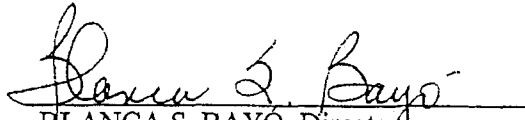
To summarize, the Petition should be granted because the Utility's customer, Roy's Trailer Park, Inc., has cited no authority allowing it to demand a differently provisioned charge, an amortized charge, than the unamortized charge approved in the tariff by us. In contrast, neither the granting of the Petition nor the analysis herein in any way forecloses the Roy's Trailer Park Development from amortizing the charge when it passes the charge through to its home owners. That is a matter for decision between the Development and its homeowners which is neither required nor foreclosed by any of the cited authority, or by the exercise of our jurisdiction.

In view of the above it is

ORDERED by the Florida Public Service Commission that the Petition for Declaratory Statement of KW Resort Utilities Corp. is granted. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 14th day of December, 2005.


BLANCA S. BAYO, Director
Division of the Commission Clerk
and Administrative Services

(SEAL)

RCB

ORDER NO. PSC-05-1217-DS-SU
DOCKET NO. 050694-SU
PAGE 5

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

State of Florida



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Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850
COMMISSION
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DATE: January 19, 2006

TO: ~~Kay B. Flynn~~, Chief of Records, Division of the Commission Clerk & Administrative Services
Hong Wang, Management Review Specialist, Division of the Commission Clerk & Administrative Services
Cecelia R. Diskerud, Deputy Clerk, Office of the General Counsel

FROM: Wanda L. Terrell, Administrative Assistant, Office of the General Counsel *WT*
David E. Smith, Attorney Supervisor, Office of the General Counsel

RE: Roy's Trailer Park, Inc. v. Florida Public Service Commission, Docket No. 050694-SU, First District Court of Appeal

Please note that Richard Bellak is handling the above appeal. The Notice of Administrative Appeal was filed on January 12, 2006. The schedule is as follows:

<u>Date</u>	<u>Item</u>
From day of filing:	
<u>02/17/06</u>	Draft of Index of Record from CCA to Appeals Attorney.
<u>03/03/06</u>	Index of Record served on Parties.
<u>03/13/06</u>	Copy of Record to Appeals.
<u>03/23/06</u>	Appellant's Initial Brief Due.
<u>04/07/06</u>	Draft Commission Answer Brief Due.
<u>04/12/06</u>	Commission's Answer Brief Due.
<u>05/02/06</u>	Appellant's Reply Brief Due.

DES:wlt

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYO
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

February 22, 2006

Richard P. Lee, Esquire
Susan E. Rice, Esquire
David D. Eastman, Esquire
Lutz, Bobo, Telfair, Eastman, & Lee
2155 Delta Boulevard, Suite 210-B
Tallahassee, Florida 32303

Re: Roy's Trailer Park, Inc. vs. KW Resort Utilities Corp.
1st District Court Case No. 1D06-178 (Docket No. 050694-SU)

Dear Mr. Lee:

Enclosed is the index to the above-referenced docket on appeal. Please look the index over and let me know if you have any questions concerning the contents of the record.

The record will be filed with the Court on or before May 2, 2006.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

KF:mhl

cc: Wayne L. Schiefelbein, Esquire
David E. Smith, Esquire
Richard Bellak, Esquire

I N D E X

Roy's Trailer Park, Inc.
vs.
KW Resort Utilities Corp.
FPSC Docket No. 050694-SU
1st District Court Case No. 1D06-178

VOLUME 1

Progress Docket1

Petition for declaratory statement, by KW Resort Utilities Corp., filed September 29, 2005.....3

Memorandum of law in opposition to claim of authority by the PSC [Florida Public Service Commission (“Commission”)] over section 723.046, Florida Statutes, on behalf of Roy’s Trailer Park, Inc., filed October 10, 200531

Memorandum of law, on behalf of KW Resort Utilities, Corp., filed October 10, 200541

Notice of receipt of petition for declaratory statement, for publication in November 4, 2005 Florida Administrative Weekly, filed October 26, 200546

Memorandum dated November 17, 2005 from Commission’s Office of the General Counsel and Division of Economic Regulation to Division of the Commission Clerk and Administrative Services, filed November 17, 200548

Order PSC-05-1217-DS-SU granting petition for declaratory statement, issued December 14, 200553

Notice of appeal, on behalf of Roy’s Trailer Park, Inc., filed January 12, 200658

First District Court of Appeals (“1st DCA”) letter acknowledging receipt of notice of appeal [Case No. 1D06-178] with attached Court Order, filed January 17, 200665

1st DCA docketing statement and notice of appearance of counsel, filed January 18, 200667

Certificate of Director, Division of the Commission Clerk and Administrative Services.....71

STATE OF FLORIDA

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

April 28, 2006

Jon Wheeler, Clerk
First District Court of Appeals of Florida
301 South Martin Luther King Boulevard
Tallahassee, Florida 32399

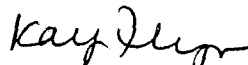
**Re: Roy's Trailer Park, Inc. vs. KW Resort Utilities Corp., Case No. 1D06-178
(Docket No. 050694-SU)**

Dear Mr. Wheeler:

The record in the above-referenced case, consisting of one binder, is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Do not hesitate to call me at 850-413-6744 if you have any questions about the contents of this record.

Sincerely,


Kay Flynn, Chief
Bureau of Records

KF/mhl
Enclosure

cc: parties of record

I N D E X

Roy's Trailer Park, Inc.
vs.
KW Resort Utilities Corp.
FPSC Docket No. 050694-SU
1st District Court Case No. 1D06-178

VOLUME 1

Progress Docket1

Petition for declaratory statement, by KW Resort Utilities Corp., filed September 29, 2005.....3

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Memorandum dated November 17, 2005 from Commission’s Office of the General Counsel and Division of Economic Regulation to Division of the Commission Clerk and Administrative Services, filed November 17, 200548

Order PSC-05-1217-DS-SU granting petition for declaratory statement, issued December 14, 200553

Notice of appeal, on behalf of Roy’s Trailer Park, Inc., filed January 12, 200658

First District Court of Appeals (“1st DCA”) letter acknowledging receipt of notice of appeal [Case No. 1D06-178] with attached Court Order, filed January 17, 200665

1st DCA docketing statement and notice of appearance of counsel, filed January 18, 200667

Certificate of Director, Division of the Commission Clerk and Administrative Services.....71

STATE OF FLORIDA

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

April 28, 2006

Richard P. Lee, Esquire
Susan E. Rice, Esquire
David Eastman, Esquire
Lutz, Bobo, Telfair, Eastman, & Lee
2155 North Delta Boulevard, Suite 210-B
Tallahassee, Florida 32303

**Re: 1st District Court Case No. 1D06-178 – Roy's Trailer Park, Inc. vs.
KW ResortUtilities Corp. (Docket No. 050694-SU)**

Dear Mr. Lee:

I have enclosed an invoice reflecting charges for preparation of the above-referenced record. Please forward a check in the amount indicated, made payable to the Florida Public Service Commission, at your earliest convenience.

Do not hesitate to call if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

KF:mhl
Enclosure

FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

Date: April 28, 2006

10255

To: Richard P. Lee, Esquire
 Susan E. Rice, Esquire
 David Eastman, Esquire
 Lutz, Bobo, Telfair, Eastman, & Lee
 2*55 North Delta Boulevard, Suite 210-B
 Tallahassee, Florida 32303

Date Paid pending

Amount Paid _____

Check # _____

Check Cash

PSC Signature _____

↑ ↑
 This number must appear on
 all checks or correspondence
 regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION

QUANTITY	DESCRIPTION	PRICE	AMOUNT
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
**Re: Roy's Trailer Park, Inc. vs. KW Resort Utilities Corp., Case No. 1D06-178
(Docket No. 050694-SU)**

Dear Mr. Wheeler:

The record in the above-referenced case, consisting of one binder, is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Do not hesitate to call me at 850-413-6744 if you have any questions about the contents of this record.

Sincerely,


Kay Flynn, Chief
Bureau of Records

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cc: parties of record

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