

**Ruth Nettles**

100085-WU

**From:** Trina Collins [TCollins@RSBattorneys.com]  
**Sent:** Friday, March 19, 2010 12:31 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Martin Friedman; Trina Collins  
**Subject:** Filing in Docket No. 100085-WU; Application for certificate to operate water utility in Lake County by Black Bear Reserve Water Company, Inc.  
**Importance:** High  
**Attachments:** PSC Clerk 01 (Docket No. 100085-WU).ltr.03-19-2010.pdf

- a. Martin S. Friedman, Esq.  
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- b. Docket No. 100085-WU; Application for certificate to operate water utility in Lake County by Black Bear Reserve Water Company, Inc. - By letter dated March 18, 2010 and pursuant to Staff's request, filing response to a letter from Barbara Jennings filed in this docket as Document No. 01800-10.
- c. Black Bear Reserve Water Company, Inc.
- d. 2 Pages.
- e. Letter to Commission Clerk - 2 pages.

DOCUMENT NUMBER-DATE

01939 MAR 19 2010

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REPLY TO CENTRAL FLORIDA OFFICE

March 19, 2010

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E-FILING

Ann Cole, Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket No. 100085-WU; Application for certificate to operate water utility in Lake  
County by Black Bear Reserve Water Company, Inc.  
Our File No.: 38052.01

Dear Ms. Cole:

By letter dated March 18, 2010, the Staff has asked us to respond to a letter from  
Barbara Jennings filed in this docket as Document No. 01800-10.

My understanding was the same as the Staff's that Chalcopyrite had agreed not to  
bill customers for potable water pending a resolution of the dispute to whether  
Chalcopyrite's Operating Agreement was properly terminated by Black Bear Reserve  
Water Company, Inc. Chalcopyrite has at all times honored that agreement and has only  
billed customers for irrigation water service. I have no idea why Black Bear Reserve  
Water Company continues to bill for irrigation water service notwithstanding that  
agreement.

As yet, nothing is being done to resolve the Contract dispute between Black Bear  
Reserve Water Company and Chalcopyrite largely because of the Water Company's lack  
of communication with representatives of Chalcopyrite. Chalcopyrite has been trying  
since late December 2009 to work out a smooth transition from Chalcopyrite  
management to that of the Homeowner's Association, however, failure to do so has  
resulted into the issues which you see arising in this docket. The HOA only a week or so  
ago changed the electricity to its name from Chalcopyrite, and Chalcopyrite maintains an  
insurance coverage over the water plant since the HOA has as yet to verify they have

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retained coverage themselves. Obviously, the HOA has no idea how to run a water company. Chalcopyrite has consistently requested meetings to hopefully resolve differences and suggested mediation as an alternative. As yet, Chalcopyrite has received no response to those efforts.

The Staff has requested that we send a copy of this response to Mr. Wayne Smith. However, Mr. Smith is represented by counsel and we may not ethically contact him directly, thus, we will send a copy of this response to Mr. Smith's attorney.

Should you or the Staff have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,



MARTIN S. FRIEDMAN  
For the Firm

MSF/tlc

cc: Mark R. Carson and Lee Ann Carson (via e-mail)  
Ms. Ashley Carson (via e-mail)  
Neil McCulloh, Esquire (via e-mail)  
Ms. Patricia Daniel, Division of Economic Regulation (via e-mail)  
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Ms. Lorena Holley (via e-mail)

M:\1 ALTAMONTE\CARSON (Black Bear Reserve)\(01) Advise Regarding Black Bear Reserve Water System\PSC Clerk 01 (Docket No. 100085-WU).lrr.doc