

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

CLERK

DATE: November 3, 2010
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Erik Sayler, Senior Attorney, Office of the General Counsel
RE: Docket No. 100085-WU - Application for certificate to operate water utility in Lake County by Black Bear Reserve Water Company, Inc.

Please place the attached documents into the docket file.

ELS

DOCUMENT NUMBER-DATE

09146 NOV-30

FPSC-COMMISSION CLERK

From: Martin Friedman [MFriedman@RSBattorneys.com]
Sent: Tuesday, November 02, 2010 5:25 PM
To: Erik Sayler
Cc: Patti Daniel; Lazaan@aol.com
Subject: RE: Black Bear/ Docket 100085
Attachments: SJRWMD NOV (Black Bear).pdf

Erik,

Our client does intend to vigorously pursue its objection. They also own lots within the service area and are concerned with the current management's ability to operate a regulated water company. For instance, attached is a Notice of Violation of the SJRWMD consumptive use permit. They are clueless when it comes to regulatory requirements.

Regards, Marty

From: Erik Sayler [mailto:esayler@PSC.STATE.FL.US]
Sent: Tuesday, November 02, 2010 5:05 PM
To: Martin Friedman
Cc: Patti Daniel
Subject: RE: Black Bear/ Docket 100085

Hi Marty,

I see your letter date June 22, 2010, stating that your client, Upson Downs Limited Partnership has objected to this application for original certificate. Will you confirm, by email, whether your client is continuing its objection to the application or has decided to withdraw its objection. If your client is continuing its objection, I will ask the Clerk's office to change you from interested person to "party" status.

Regards,

Erik L. Sayler
Senior Attorney
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
850-413-6199 - mainline
850-413-6084 - direct
850-413-6085 - fax

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From: Martin Friedman [mailto:MFriedman@RSBattorneys.com]
Sent: Monday, November 01, 2010 6:52 PM
To: Erik Sayler
Cc: Patti Daniel
Subject: Black Bear/ Docket 100085

DOCUMENT NUMBER DATE

09146 NOV-3 2

11/3/2010

FPSC-COMMISSION CLERK

Erik,

I noticed that although I filed an objection to this Application on behalf of Upson Downs, that I am listed on the Docket as an interested person instead of a party. Can you have the Clerk correct this?

Thanks, Marty

Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
Sanlando Center
2180 W. State Road 434, Suite 2118
Longwood, FL 32779
Voice: 407-830-6331
Fax: 407-830-8522
Cell: 407-310-2077

Offices also in Tallahassee and Boca Raton

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St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director
David Dewey, Altamonte Springs Service Center Director

975 Keller Road • Altamonte Springs, FL 32714-1618 • (407) 659-4800
On the Internet at floridaswater.com.

September 30, 2010

Rapid Retrieval Inc.
994 Lake Destiny Rd, Ste 102
Altamonte Springs, FL 32714

Re: Notice of Violation for Consumptive Use Permit 2-069-2959-4
Upson Downs, Lake County, Florida
Condition 30 CI 960308; Condition 31 CI 1143121; Condition 33 CI 951636
(Please reference permit and item numbers on all correspondence.)

Dear Sir/Madam:

District staff completed a compliance review of Consumptive Use Permit (CUP) 2-069-2959-4, Upson Downs, and identified violations for Condition 30, 31, and 33.

Thank you for submitting the water use data that was due July 31, 2010, for Condition 30. Staff reviewed the information and found a discrepancy with the data for Pump No. 5 (Sta. ID 36173). Our Staff is unable to determine water use quantity based on the information provided. If water use data is not available, an estimate must be provided using historical data and/or pump hours of operations. I have included tabulated historical water use data for your reference. Also attached is an aerial map showing the approximate location of the wells. The District's database does not contain the location of Pump No. 5. Please provide a map showing the location of this pump. Within the next 30 days, please submit the revised water use data to my attention, at the address in the letterhead, referencing CI 960308.

Condition 31 requires that back-up groundwater use be recorded continuously, totaled monthly, and reported to the District at least every six months. Staff cannot locate any records in the District's database documenting receipt of the report due July 31, 2010. Within the next 30 days, please submit the report to my attention, at the address in the letterhead, referencing CI 1143121. You may expedite the submittal via the e-Permitting link at www.floridaswater.com.

Condition 33 requires that water levels in the onsite lake be measured on a weekly basis and reported to the District at least every six months with the EN-50 forms using a form or spreadsheet generated by the permittee. Staff cannot locate any records in the District's database documenting receipt of the water levels due July 31, 2010. Within the next 30 days, please submit the report to my attention, at the address in the letterhead, referencing CI 951636. You may expedite the submittal via the e-Permitting link at www.floridaswater.com.

Failure to respond to the above violations may result in enforcement action by the District, which

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ORLANDO

September 30, 2010

Page 2 of 2

can include monetary penalties. If you have any questions with regard to this letter or the permit, or wish to schedule a meeting with our staff, please call me at (407) 659-4825.

Sincerely,

Carlos J. Acosta-Rivera

Carlos J. Acosta-Rivera, PE
Hydrologist

Enclosures (2)

CC: Shannon Joyce, ^{SA}RIM V - CI 960308, 1143121, 951636
Mr. Lee Kane, 116 Ledbury Dr., Longwood, FL 32779



