

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Application for)
certificates to operate a water)
and wastewater utility in)
Charlotte and DeSoto Counties by)
Lake Suzy Utilities, Inc.)

DOCKET NO. 970657-WS

In re: Application for amendment)
of certificates Nos. 570-W and)
496-S to add territory in)
Charlotte County by Florida)
Water Services Corporation.)

DOCKET NO. 9802621-WS

RECEIVED FPSC
JAN-8 4:18:31

CHARLOTTE COUNTY'S RESPONSE TO COMMISSION
STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

Charlotte County by and through its undersigned attorney, pursuant to Rule 1.350 Florida Rules of Civil Procedure, hereby provides the following responses to the Request for Production of Documents, served by the Staff of the Florida Public Service Commission.

RESPONSES

4. On page 10 of Richard E. Howell's prefiled direct testimony, Mr. Howell refers to written assurances provided by FWSC to Charlotte county indicating that FWSC acknowledged the debt it owes to Charlotte County for the disputed bulk service fees and charges and that payment would be made by certain specified dates. Please provide a copy of all of these written assurances.

ACK _____
AFA _____
APP _____

CAF _____ Documents.

CMU _____

CTR _____ See attached letter (with attachments) from the County of Charlotte to Carlos Camacho dated April 25, 1997.

EAG _____

LEG 1 See attached letter from Charles Sweat, Vice President, Marketing and Developer Relations of Florida Water Services to Laurie Case dated May 15, 1997.

LIN _____

OPC _____

RCH _____

SEC 5.1 Please provide a copy of the final demand for payment regarding the disputed fees and charges transmitted by Charlotte County to FWSC which is referenced on page 9 of Richard E. Howell's prefiled direct testimony, as well as any written responses by FWSC to such demand letter.

WAS 1

OTH _____

RECEIVED & FILED

Monte R.
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

00321 JAN-88

FPSC-RECORDS/REPORTING

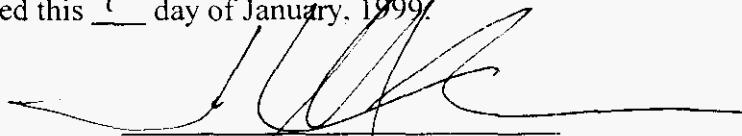
Documents.

See attached letter from the County of Charlotte to Richard Jung, Florida Water Services, dated March 2, 1998.

See attached letter from the County of Charlotte to Charles Sweat, Vice President, Marketing and Developer Relations of Florida Water Services dated March 11, 1998.

See attached letter from the County of Charlotte to Charles Sweat, Vice President, Marketing and Developer Relations of Florida Water Services dated August 4, 1998.

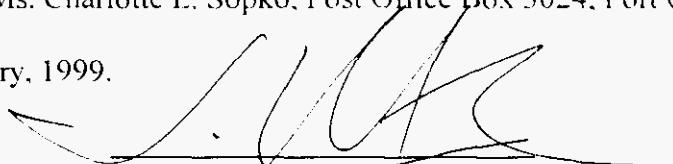
Respectfully submitted this 7th day of January, 1999.



John R. Marks, III
Knowles, Marks & Randolph, P.A.
215 South Monroe Street, Suite 130
Tallahassee, Florida 32301
(850) 222-3768

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy Charlotte County's Response to Commission Staff's Second Request for Production of Documents to the Florida Public Service Commission has been furnished has been furnished by hand delivery to Bobbie L. Reyes, Senior Attorney, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; and that a true and correct copy thereof has been furnished by U.S. mail to Martin Friedman, Esquire, Rose, Sundstrom & Bentley, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301; Matthew J. Feil, Esquire, Post Office Box 609520, Orlando, Florida 32860-9520; and to Haus Development, Inc., c/o Ms. Charlotte L. Sopko, Post Office Box 3024, Port Charlotte, Florida 33949 this 7th day of January, 1999.



John R. Marks, III



COUNTY OF CHARLOTTE

CHARLOTTE COUNTY UTILITIES

(941) 625-4164
Administration Fax (941) 743-4530

L. Case
(800) 524-3494
Customer Service Fax (941) 764-4557

Mailing Address
18500 Murdock Circle
Port Charlotte, Florida 33948

Business Office
20101 Peachland Boulevard, Ste 301
Port Charlotte, Florida 33954

April 25, 1997

Carlos Camacho
Marketing and Development
Florida Water Services
P.O. Box 609520
Orlando, FL 32703-7797

Dear Carlos:

It was a pleasure to finally meet with you and Mr. Charles Sweat to discuss your concerns regarding the "Water and Sewer Agreement" between Florida Water Services (FWS) and Charlotte County.

As discussed, we await a draft of the proposed amended contract from FWS. As agreed, any outstanding balance due to Charlotte County from Florida Water Services, per the existing agreement, will be paid promptly. I have attached a copy of the most recent invoice sent to FWS for Guaranteed Revenue Fees (\$399,236.50) and Connection Fees (\$147,905.17) for a total amount due to CCU of \$547,141.67. We expect the past due charges to be paid by May 15.

Per our discussion, CCU is in the process of compiling information from June 1991 on sewer customers of FWS that are water customers of Charlotte Harbor Water Association. Once the data is compiled, all or a portion of that period's usage will then be billed to FWS.

Thank you for your attention to this matter. If I can be of additional assistance, please call (941) 764-4505.

Sincerely,

Laurie Case

Laurie Case
Utility Fiscal Manager

LC/dc

Attachment

cc: Charles Sweat, FWS Vice President of Marketing & Development
Pamela D. Brangaccio, Assistant County Administrator
Richard E. Howell, Utility Director
Marty Burton, Assistant County Attorney
File

Laurel



COUNTY OF CHARLOTTE

CHARLOTTE COUNTY UTILITIES

Telephone: (941) 625-4164 OR (800) 524-3494; FAX (941) 743-4530

MAILING ADDRESS:
18500 Murdock Circle
Port Charlotte, FL 33948-1094

BUSINESS OFFICE and
CITIZEN INFORMATION CTR.:
20101 Peachland Blvd., Suite 301
Port Charlotte, FL 33954

April 14, 1997

Florida Water Services
P. O. Box 609520
Orlando, Florida 32703-7797

Attn: Carlos Camacho

I N V O I C E

The following charges are past due:

Past Due Charges	\$147,905.17
	=====

I have not received a list of meter installations for the month of March. Please forward the information as soon as possible.

Please remit your payments within 20 days of the invoice date and mail to:

Charlotte County Utilities
18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Attention: Janet Wagner

cc: Frances Dunn, Administrative Service Supervisor
File



COUNTY OF CHARLOTTE

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MAILING ADDRESS:
18500 Murdock Circle
Port Charlotte, FL 33948-1094

BUSINESS OFFICE and
CITIZEN INFORMATION CTR.:
20101 Peachland Blvd., Suite 301
Port Charlotte, FL 33954

April 14, 1997

Florida Water Services
P. O. Box 609520
Orlando, Florida 32860-9520

Attn: Carlos Camacho

I N V O I C E

Guaranteed Revenue Fees for July, August, September, October, November, December, 1996, January, February and March, 1997:

Basis:	\$16.00 per unit for water	
	\$24.00 per unit for sewer	
1190 Units - Water		\$ 19,040.00
1190 Units - Sewer		\$ <u>28,560.00</u>
Due - March		\$ 47,600.00
Past Due		\$352,236.50
		=====
Total Due		\$399,236.50

Payment is due 20 days from date of invoice and should be mailed to:

Charlotte County Utilities
18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Attn: Janet Wagner

Please enclose a copy of this invoice with your payment.

Thank You

cc: File/GRF



cc: Rick
Laurie

Return to Laurie

97 MAY 21 PM 3:57
CHARLOTTE COUNTY
UTILITIES

RECEIVED

May 15, 1997

Ms. Laurie Case
Charlotte County Utilities
18500 Murdock Circle
Punta Gorda, Fl. 33948-1094

Re: Florida Water Services / Charlotte County Agreement

Dear Laurie:

This letter follows our meeting on March 18, and our telephone conversation of May 14, 1997. We agreed that Florida Water Services would pay to Charlotte County Utilities the outstanding fee amount totaling \$541,141.67 over a period of time. The time not to exceed the close of business for Charlotte's calendar year that ends September 30, 1997. We also agreed that if at all possible, these fees would be brought current by mid-September to enable the County to prepare for year end close.

As I explained to you, the shortage in my staff became critical, with the recent resignation of Carlos Commacho whose responsibilities included contract administration.

I felt that we made great strides during our March 8 meeting, however, during and after our conversation yesterday, it seemed we moved two steps backwards. However, I remain confident that we will catch up and move this project forward and conclude with a new contract.

I spoke with our in-house counsel and received assurances that a draft of a new contract, replacing the old GDU contract will be out shortly.

I will keep you posted on this and the other discussion items such as my research into the Charlotte Harbor Heights customers being billed and the non-paying customers in Pirates Harbor.

Thank you again for working with Florida Water Services.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles L. Sweat", with a long horizontal flourish extending to the right.

Charles L. Sweat
Vice President
Marketing and Developer Relations

c: Carol Marchell



COUNTY OF CHARLOTTE

CHARLOTTE COUNTY UTILITIES

Administration Fax (941) 625-4164 (800) 524-3494
(941) 743-4530 (941) 764-4557 Customer Service Fax

Mailing Address
18500 Murdock Circle
Port Charlotte, Florida 33948

Business Office
20101 Peachland Boulevard, Suite 301
Port Charlotte, Florida 33954

March 2, 1998

CERTIFIED MAIL

Florida Water Services
P. O. Box 609520
Orlando, Florida 32860-9520

Attn: Richard Jung

Re: Past Due Water and Sewer Connection Fees and Guaranteed Revenue Fees

Dear Mr. Jung:

Please be advised, as of March 2, 1998, Florida Water Services is found to be delinquent with its payment of Guaranteed Revenue Fees (\$376,816.41) and water and sewer connection fees (\$167,608.07). A total of \$544,424.48 is past due. Please refer to the attached invoices.

Guaranteed Revenue Fees, also referred to as Reserved Capacity Charges, are those fees fixed and collected by Charlotte County Utilities in respect to the reservation of capacity by developers prior to the installation of water meters.

Past due charges and fees must be paid within 30 days of this notice to preclude a lapse of all remaining reserved capacity and the non-issuance of building permits.

Please call Janet Wagner with any particular questions you may have with regard to this matter at extension 512.

Sincerely,

Richard E. Howell
Utility Director

REH/jrw

Attachments

cc: Laurie Case, Fiscal Manager
Mary Burton, Assistant Attorney
CHRONO/File



COUNTY OF CHARLOTTE

CHARLOTTE COUNTY UTILITIES

(941) 625-4164 (800) 524-3494
Administration Fax (941) 743-4530 (941) 764-4557 Customer Service Fax

Mailing Address Business Office
18500 Murdock Circle 20101 Peachland Boulevard, Suite 301
Port Charlotte, Florida 33948 Port Charlotte, Florida 33954

March 2, 1998

Attn: Richard Jung
Florida Water Services
P. O. Box 609520
Orlando, Florida 32860-9520

I N V O I C E

Guaranteed Revenue Fees for February, 1998:

Basis:	\$15.68 per unit for water	
	\$23.52 per unit for sewer	
1220 Units - Water		\$ 19,129.60
1220 Units - Sewer		<u>\$ 28,694.40</u>
Due February		\$ 47,824.00
Past Due		\$376,816.41
		=====
Total Due		\$424,640.41

Payment is due 20 days from date of invoice and should be mailed to:

Charlotte County Utilities
18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Attn: Janet Wagner

Please enclose a copy of this invoice with your payment.

Thank You

cc: Richard E. Howell, Utility Director
Laurie Case, Fiscal Manager
File/GRF



COUNTY OF CHARLOTTE

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Mailing Address
18500 Murdock Circle
Port Charlotte, Florida 33948

Business Office
20101 Peachland Boulevard, Suite 301
Port Charlotte, Florida 33954

March 2, 1998

Attn: Richard Jung
Florida Water Services
P. O. Box 609520
Orlando, Florida 32860-9520

I N V O I C E

The following charges are past due for connections:

Past Due Charges	\$167,608.07
	=====
Total Due	\$167,608.07

We have not received meter installations for January and February, 1998.

Please remit your payment within 20 days of the invoice date and mail to:

Charlotte County Utilities
18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Attention: Janet

cc: Richard E. Howell, Utility Director
Laurie Case, Fiscal Manager
Frances Dunn, Administrative Service Supervisor
File



COUNTY OF CHARLOTTE

CHARLOTTE COUNTY UTILITIES

Administration Fax (941) 625-4164 (800) 524-3494
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Mailing Address
18500 Murdock Circle
Port Charlotte, Florida 33948

Business Office
20101 Peachland Boulevard, Suite 301
Port Charlotte, Florida 33954

March 11, 1998

Mr. Charles Sweat
Vice President, Corporation Development
Florida Water Services Corporation
P.O. Box 609520
Orlando, Florida 32860-9520

RE: Past Due Charges for Guaranteed Revenues

Dear Charles:

Pursuant to our conversation of March 11th, in the interest of facilitating acquisition discussions, this Office will delay any further action relating to collection of past due guaranteed revenue fees for a period of 120 days from the date of this letter.

Please contact this Office if I may be of further assistance to you.

Sincerely,

Richard E. Howell
Director

REH/lmi

cc: Jan H. Winters, County Administrator
Pamela D. Brangaccio, Asst. County Administrator
Martha Young Burton, Assistant County Attorney
Laurie Case, CCU Fiscal Manager
✓ Janet Wagner, Service Coordinator



COUNTY OF CHARLOTTE

CHARLOTTE COUNTY UTILITIES

(941) 625-4164 (800) 524-3494
Administration Fax (941) 743-4530 (941) 764-4557 Customer Service Fax

Mailing Address
18500 Murdock Circle
Port Charlotte, Florida 33948

Business Office
20101 Peachland Boulevard, Suite 301
Port Charlotte, Florida 33954

August 4, 1998

CERTIFIED MAIL
P 432 833 931

Mr. Charles Sweat
Vice President, Corporation Development
Florida Water Services Corporation
1000 Color Place
Apopka, Florida 32703

RE: FINAL NOTICE OF DELINQUENT CHARGES

As you are aware, numerous discussions and meeting have been conducted regarding charges for water and sewer connection fees and guaranteed revenue fees owed to Charlotte County Utilities by Florida Water Services Corporation.

As indicated in the attached correspondence dated May 15, 1997, FWS agreed to pay the then outstanding amount to CCU prior to September 30, 1997. When this deadline was not met, a meeting was held in the Commission offices of Charlotte County on March 11, 1998, at which time you requested and were granted an additional 120 days for payment of the outstanding fees. As of July 27, 1998, the following fees and charges are past due:

■ Connection Fees (For Units connected as of 7-27-98):	\$	177,857.25
■ Guaranteed Revenue Through 7-27-98:		<u>483,261.41</u>
	Total \$	661,118.66

In addition, the following monthly usage charges are past due:

■ Monthly Usage due 7-31-98 (delinquent as of 7-13-98):	\$	317,968.54
■ Monthly Usage due 8-3-98 (delinquent as of 8-13-98):		204,014.54
■ Unadjusted unbilled prior usage (Kingsway Villas, Deep Creek, Harbor Heights)		<u>46,793.25</u>
	Total \$	<u>568,776.33</u>

GRAND TOTAL: \$ 1,229,894.99

Pursuant to Paragraph 7 of the Substitute Water and Sewer Agreement currently in effect, you are hereby notified that if the above connection fees and guaranteed revenue fees are not paid-in-full prior to September 8, 1998, Charlotte County Utilities will notify all affected regulatory agencies that no further water and/or sewer

Page 2

Mr. Charles Sweat
Florida Water Services Corporation
Certified Mail: P 432 833 931

connections should be honored or permitted and all further connections shall cease until said charges are paid. Additionally, I am by copy hereof requesting that the County Attorney's Office pursue any and all legal remedies available under law to effect payment in full of the past due charges.

Please notify this office if you have any questions.

Sincerely,



Richard E. Howell
Director

REH/li

cc: Charlotte County Board of Commissioners
Reneé Francis Lee, County Attorney
Jan H. Winters, County Administrator
Pamela D. Brangaccio, Assistant County Administrator
John R. Marks, III, Attorney at Law
Elliott Kampert, Manager, Planning and Zoning
Arnold Verwey, Building/Inspections Division
Charlotte County Managers
Janet Wagner, CCU Technical Services