



Public Service Commission

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

DATE: February 15, 1999
TO: Division of Records and Reporting
FROM: Division of Legal Services (Ferguson) *GF*
RE: Docket No. 981781-SU - Application for amendment of Certificate No. 247-S to extend service area to Buccaneer Estates in Lee County by North Fort Myers Utility, Inc.

Please file the attached letter dated January 18, 1999, in the docket file for the above-referenced docket.

CF/dr

cc: Division of Water and Wastewater (Messer, Redemann)

I:\981781F2.CP

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- ELC _____
- ENG _____
- ENV _____
- OPD _____
- SCM _____
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE

02105 FEB 17 89

184

FPSC-RECORDS/REPORTING

Mr. William Lowe, Assistant Director,
Public Service Commission,
Division of Legal Services,
2540 Shumard Oak Blvd.,
Tallahassee, FL 32399-0850

Jan. 18, 1999

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ADMINISTRATION
MAIL ROOM

RECEIVED

JAN 25 1999

Florida Public Service Commission
Division of Water and Wastewater

RE: Docket no. 981781-SU - Application for amendment of
Certificate No. 247-S to extend service area to Buccaneer Estates,
in Lee County by North Fort Myers Utility, Inc.

In reply to your letter to us of Jan 13, 1999 we wish to make the
following response.

It would appear that you have confused our objection, dated Dec.
11,1998, with other objections, in that we did not say that North Fort
Myers Utility, Inc. did not exist; and that we did not say they had
connected to this area without our knowledge; and that we did not say
the rates and charges were too high, although we do think they are.

Our objections stated that we knew the connection to this park was
illegal and that we felt that both North Fort Myers Utility, Inc. and the
park owners were working together to convince the homeowners in this
park that the new service was mandated into being by some government
order and that we were obligated to go along with the connection and it's
financial consequences.

Our investigation of government records does not show any such
government mandate! We can find no order that was ever issued for this
connection. Indeed, our investigation shows that negotiations between
the above mentioned parties started, and were even concluded, long
before the appropriate government body was even consulted as to it's
wishes. The negotiations appear to have been illegal in light of North
Fort Myers Utility, Inc.'s illegal trespass into Buccaneer, and appear to
have been formulated to allow the park owners to escape a large fine; to
allow them to escape the cost of operating a waste water treatment
plant in the manner in which it should have been operated, according to
Florida law; to allow them to make a large financial gain on the sale of

the park's existing underground services, and to enrich the pockets of the aforementioned utility with exorbitant connection and monthly service charges.

We would very much like to appear before a hearing on this matter and be allowed to substantiate our comments. A delegate will probably speak on our behalf, so that we avoid repetition of comments, but we also reserve the right to speak on our own behalf, if the need arises.

We do object to the extension of services as was applied for by the North Fort Myers Utility, Inc. in their above noted application! We do not wish to be served by them in any way, shape or form.

We also feel that a large fine is in order for the flagrant disregard that North Fort Myers Utility, Inc. has shown for the laws of this state in proceeding with this illegal connection. We are sure the members of the Florida Public Service Commission are well aware that this is allowed for in section 367.16, (1) and (2) of the Florida Statutes and that they will see fit to address this matter in the manner in which it deserves to be addressed!

We are positive that the Florida public will be well served by this "public service commission".

Yours truly

Henry J. Ezen
266 Bluebeard Dr.
N. Ft. Myers, FL
33917



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