



Public Service Commission

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

DATE: June 21, 1999
TO: Division of Records and Reporting
FROM: Patricia Brady, Division of Water and Wastewater *Pb bsm*
RE: Docket No. 990256-WU, Application for transfer of facilities of Gem Estates Utilities, Inc. in Pasco County to Gem Estates Mobile Home Village Association, Inc., and cancellation of Certificate No. 563-W.

Please add to the docket file the attached Stipulated Order dated June 1, 1999 from the Sixth Judicial Circuit Court. The order indicates the agreed-upon measures to bring the systems into compliance with the Florida Department of Environmental Protection.

Attachment

cc: Division of Water and Wastewater (Chase, Davis, Waldon, Redemann)
Division of Legal Services (Crosby, Brubaker)

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS _____
- CPC _____
- RRR _____
- SEC I
- WAW _____
- OTH _____

DOCUMENT NUMBER-DATE

07545 JUN 22 89

FPSC-RECORDS/REPORTING

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT,
IN AND FOR PASCO COUNTY, FLORIDA

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Plaintiff,

vs.

Case No.: 99-2299-CA

GEM ESTATES UTILITIES, INC.,
JACQUELINE R. CAHILL,
AND HOLLIS MALBERG

Defendant.

STIPULATED ORDER

This cause came before me on the State of Florida Department of Environmental Protection's ("Department") Motion for Receiver and Motion for Temporary Injunction and this Court having considered the motions, stipulations of counsel, and being otherwise duly advised finds that:

1. Defendants own and operate a community water system ("System") located at 39410 North Avenue, Zephyrhills, FL 33540.

2. The Department alleges that the Defendants are operating the System in violation of Florida Statutes, and the Florida Administrative Code ("F.A.C."). These alleged violations are occurring because Defendants are failing to maintain and operate the water treatment plant in such a manner as to comply with Departmental Rules which have as their underlying purpose the

protection of the public health. Defendants' alleged violation includes failure to provide auxiliary power for the System.

3. The Defendant Holly Malberg alleges that she was not the operator at the time of the violations stated in the above referenced case.

Based on these findings and the stipulation of the parties, it is, therefore, **ORDERED AND ADJUDGED** as follows:

4. Immediately upon the date of this Order and henceforth, the undersigned Defendants shall comply with Department Rules 62-550, 62-555, and 62-560, Florida Administrative Code.

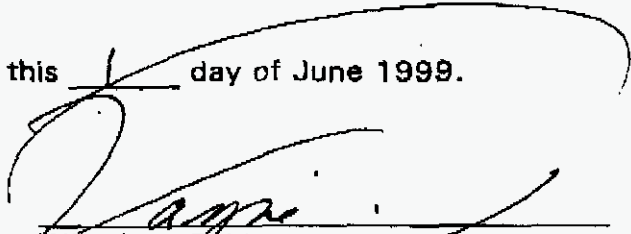
5. Within fourteen days (14) of the date of this order the undersigned Defendants shall construct a two inch (2") connection between the City of Zephyrhills and Gem Estates MHP, pursuant to the specifications described in Department Permit Number 82640-017-DS/C.

6. Immediately upon the date of this order the undersigned Defendants shall comply with the terms of Department Permit Number 82640-017-DS/C.


7. Within five (5) days from the date of this order, the undersigned Defendants shall pay to the City of Zephyrhills the sum total of three thousand four hundred thirty dollars (\$3,430.00), for the installation of a two inch (2") line between the City of Zephyrhills and Gem Estates MHP, and a backflow preventer. The undersigned Defendants shall immediately notify the Department of same payment.

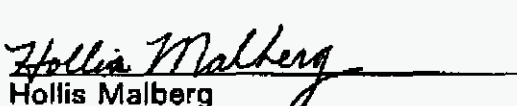
8. Upon connection to the City of Zephyrhills, as described in paragraph 6, the undersigned Defendants shall maintain auxiliary power to the System.

DONE AND ORDERED in Chambers, this 1 day of June 1999.


Wayne L. Cobb
Circuit Court Judge

The above Stipulated Order (Case No.: 99-2299-CA) may be presented to the court for approval and signature, without any further pleading, notice, or hearing.


Kathelyn M. Jacques
Assistant General Counsel
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Tallahassee, Florida 32399-3000
Bar No.: 0110949
(850) 488-9314


Hollis Malberg
Individually and as duly authorized
representative of Gem Estates
Utilities, Inc.

Cc: Kathelyn M. Jacques
Assistant General Counsel
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Gem Estates Utilities, Inc.
Hollis Malberg
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