



# Public Service Commission

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

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**DATE:** February 22, 2000  
**TO:** Division of Records and Reporting (Bayo)  
**FROM:** Division of Legal Services (Christensen) *W*  
**RE:** Docket No. 991812-SU - Application for transfer of Certificate No. 492-S in Franklin County from Resort Village Utility, Inc. to SGI Utility, LLC.

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Please place the attached document, which was recieved in the Legal Division on February 21, 2000, in the above-referenced docket file.

PAC/lw

Attachment

Division of Water and Wastewater (Johnson, Redemann)

i:\memo-rec.pac

AFA \_\_\_\_\_  
 APP \_\_\_\_\_  
 CAF \_\_\_\_\_  
 CMU \_\_\_\_\_  
 CTR \_\_\_\_\_  
 EAG \_\_\_\_\_  
 LEG \_\_\_\_\_  
 MAS \_\_\_\_\_  
 OPC \_\_\_\_\_  
 RRR \_\_\_\_\_  
 SEC   /   \_\_\_\_\_  
 WAW \_\_\_\_\_  
 OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
 02450 FEB 22 8  
 FPSC-RECORDS/REPORTING

RE: Application for Transfer of  
Certificate No. 492-S in  
Franklin County From Resort Village  
Utility, Inc. to SGI Utility, LLC

DOCKET NO. 991812-SU

**RESPONSE TO MOTION TO DISMISS**  
**FILED BY THOMAS H. ADAMS**

REGISTRATION SERVICE COMMISSION  
REG. DIVISION

I do not agree that my objections fail to state an injury which is of the type or nature designed to be protected by the Public Service Commission. It cannot be denied that I will suffer financial damage by thousands of dollars in the marketability or sale of my home and property as a result of a sewer plant on an adjacent parcel.

The original developer of the Resort Village included ten single-family homes within the original 67 acre parcel. However, the placement of the sewer plant was not adjacent or near the single family homes which he developed, even though the most logical and appropriate placement would have been on the high ground adjacent to those homes. Instead the sewer plant was proposed at the maximum possible distance from the developer's residential properties. Under the present circumstances, the site for the sewer plant chosen by the developer is adjacent to existing single family homes and in an area which has the lowest elevation and is an area which is often flooded, even in relatively minor tropical storms.

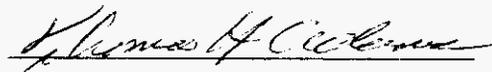
The treated wastewater from the proposed sewer plant will need to be pumped up hill to the underground absorption beds, thus demonstrating that the most efficient, logical and safest placement of the plant would be on the high ground adjacent to the developer's ten single family homes (The Bluffs). In this case, the wastewater would flow down hill to the absorption beds and somewhat alleviate potentially catastrophic events that can occur during power outages in storms and hurricanes. To me, it is obvious that the sewer plant was not placed in that higher area because of the negative impacts it would have had on the developer's properties.

I continue to assert that the sale of the 57 acre Resort Village property, which specifically excluded the "fractional footprint" of the sewer plant, has invalidated any existing certificate because the Resort Village entity no longer owns or controls the property which was originally certified (and necessary) for the construction and operation of the proposed sewer plant. As stated in my earlier correspondence, neither entity (Resort Village Utility, Inc. or SGI, LLS) meets the requirements for the sewer certificate and a transfer request is inappropriate.

In the event that the Public Service Commission rules otherwise, I feel that appropriate relief would be that any transfer of the certificate could reasonably stipulate that the location of the sewer plant be moved to higher ground within the Resort Village property to an area away from the adjacent residential properties in St. George Plantation. It clearly would be in the public interest to require the developer to absorb the negative impacts associated with a sewer plant and not foist a substantial financial loss and noxious nuisance on neighboring parties.

WHEREFORE, Thomas H. Adams requests that this Commission deny the Motion to Dismiss filed by the Resort Village Utility, Inc.

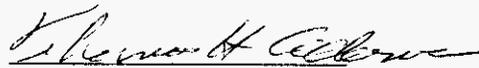
Respectfully Submitted,



Thomas H. Adams  
 1440 Elm Court  
 St. George Island, FL32328  
 (850) 927-2670  
 Mailing Address: P.O.Box 791  
 Eastpoint, FL 32328

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Russell D. Gautier of Williams and Gautier, P.A. 2010 Delta Blvd., Tallahassee, FL 32308 and Patricia A. Christensen, Senior Attorney, Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 by U.S. Mail, this 18<sup>th</sup> day of February 2000.



Thomas H. Adams