

State of Florida



Public Service Commission

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

DATE: May 9, 2000
TO: Division of Records and Reporting
FROM: Division of Legal Services (Van Leuven) *DTV*
RE: Docket No. 990975-SU - Application for transfer of Certificate No. 281-S in Lee County from Bonita Country Club Utilities, Inc. to RealNor Hallandale, Inc.

Please file the attached letter dated May 5, 2000, in the docket file for the above-referenced docket.

DTV/dm

cc: Division of Water and Wastewater (Johnson, Redemann)
Division of Auditing and Financial Analysis (Welch)

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FPSC-RECORDS/REPORTING

BONITA COUNTRY CLUB UTILITIES, INC.

10200 Maddox Lane • Bonita Springs, Florida 34135

Accounting Office (941) 992-6564 • Wastewater Plant (941) 498-9949

May 5, 2000

D. Tyler Van Leuven
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



Re: Docket No. 990975-SU
Order No. PSC-00-0579-PAA-SU

Dear Mr. Van Leuven:

Your letter of April 28, 2000 states that Bonita Country Club Utilities did not show cause, in writing, in a timely manner, to the late filing of the 1998 Annual Report and therefore is being assessed a penalty. I am unclear whether you are stating I did not show sufficient cause or if you did not receive the letter. I am enclosing a copy of the letter sent dated April 3, 2000 addressing the Commissioners. This letter explained the utilities situation and concerns.

Please contact me at soon as possible to discuss this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Michael J. Miceli'.

Michael J. Miceli
President

BONITA COUNTRY CLUB UTILITIES, INC.

10200 Maddox Lane • Bonita Springs, Florida 34135

Accounting Office (941) 992-6564 • Wastewater Plant (941) 498-9949

April 3, 2000

Commissioners
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 990975-SU
Order No. PSC-00-0579-PAA-SU

Dear Commissioners:

Bonita Country Club Utilities only source of income is through its monthly sewer service billing. Since October 1999 we have been placing all of the revenues into the escrow account, of which we both have to sign off of to draw funds. I have just received the "Order Approving Transfer and Initiating Show Cause" which indicates that we must pay penalties and interest on the Regulatory Assessment Fee and Annual Reports for 1998 because they were not filed on time. However you are not going to release the funds from the escrow account to pay them with. Where is the utility supposed to get the funds to pay these assessments? The filing of the 1998 Annual Report will require the services of an accountant, but again you give us no funds to hire this service.

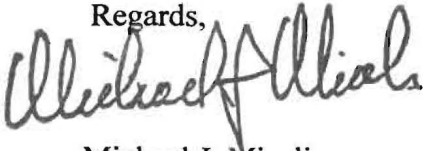
Shouldn't all of the revenues belong to BCCU to satisfy the various debts that were part of the property, such as the land purchase and pond lease? The order seems to be void of any language like this. During this period didn't the utility belonged to us? Shouldn't the revenues of that period belong to us as well?

Page 7 of the "Order Approving Transfer and Initiating Show Cause"; paragraph 3 states "Based on the application, Realnor will fulfill all commitments, obligations, and representations of the prior owners with respect to utility matters." This statement indicates the Realnor Hallandale is responsible for these penalties and interest as well as the other outstanding debt of the utility.

How can you only reimburse us for minimal expenses and yet give all of the remaining revenues to Realnor. Should they not only receive compensation for their actual expenses as well?

I feel that the Order does not fairly answer all of the questions and problems that exist. Therefore we would like to appeal the Order and request a revue of the issues, as I feel your ruling was unfairly done.

Regards,

A handwritten signature in cursive script, appearing to read "Michael J. Miceli". The signature is written in dark ink and is positioned to the left of the typed name.

Michael J. Miceli
President