



Public Service Commission

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

DATE: June 21, 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 June 13, 2000, in the docket file for the above-referenced docket.

DTV/dm

cc: Division of Regulatory Oversight (Johnson, Redemann, Welch)

1:990975FM DTV

APP _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
LEG _____
OPC _____
PAI _____
RGO _____
SEC _____
SER _____
OTH _____

DOCUMENT NUMBER-DATE
07567 JUN 21 8
FPSC-RECORDS/REPORTING

BONITA COUNTRY CLUB UTILITIES, INC.
10200 MADDUX LANE
BONITA SPRINGS, FLORIDA 34135
(941) 992-6564 FAX (941) 992-0822

June 13, 2000

Tyler Van Leuven
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850



Re: Docket No. 990975-SU

Dear Mr. Van Leuven;

I am in receipt of the letter from David Erwin addressed to you dated 06/06/2000. In this letter RealNor lists items it has completed in reliance of Final Order No. PSC-00-0755-CO-SU. RealNor states it has "Assumed all commitments, obligations and representation of the prior owner with respect to utility matters." Is it not part of the commitment and obligation of the utility to pay the outstanding debt i.e. loans, rental payments, land payment etc. ?

Again, I submit to you, copies of outstanding invoices due from the Bonita Country Club Utilities.

Your consideration in this matter would be greatly appreciated.

Sincerely,

Handwritten signature of Michael J. Miceli.

Michael J. Miceli
President

Cc: Rosanne Gervasi Florida Public Service Commission
Jack Shreve Office of the Public Counsel

JOSEPH MICELI

Invoice

1400 Gulf Shore Boulevard, Suite 224
Naples, Florida 34102
(941) 262-7774 Fax (941) 262-5988

DATE	INVOICE #
5/1/00	2045

BILL TO
BONITA COUNTRY CLUB UTILITIES, INC. 10200 MADDOX LANE BONITA SPRINGS, FLORIDA 34135

P.O. NO.	TERMS	PROJECT

QUANTITY	DESCRIPTION	RATE	AMOUNT
	LOAN	150,000.00	150,000.00
		Total	\$150,000.00

PLATINUM COAST

Invoice

1400 Gulf Shore Boulevard, Suite 224
Naples, Florida 34102
(941) 262-7774 Fax (941) 262-5988

DATE	INVOICE #
5/1/00	1075

BILL TO
BONITA COUNTRY CLUB UTILITIES, INC. 10200 MADDOX LANE BONITA SPRINGS, FLORIDA 34135

P.O. NO.	TERMS	PROJECT

QUANTITY	DESCRIPTION	RATE	AMOUNT
	NEW PLANT CONSTRUCTION -BALANCE DUE	111,683.36	111,683.36
		Total	\$111,683.36

PLATINUM COAST

Invoice

1400 Gulf Shore Boulevard, Suite 224
 Naples, Florida 34102
 (941) 262-7774 Fax (941) 262-5988

DATE	INVOICE #
5/1/00	1076

BILL TO
BONITA COUNTRY CLUB UTILITIES, INC. 10200 MADDOX LANE BONITA SPRINGS, FLORIDA 34135

P.O. NO.	TERMS	PROJECT

QUANTITY	DESCRIPTION	RATE	AMOUNT
	LAND PURCHASE	60,000.00	60,000.00
	INTEREST @ 8% 1999	4,800.00	4,800.00
	INTEREST @ 8% 1998	4,800.00	4,800.00
	INTEREST @ 8% 1997	4,800.00	4,800.00
	INTEREST @ 8% 1996	4,800.00	4,800.00
	Sales Tax	6.00%	0.00
		Total	\$79,200.00

STATEMENT

DATE	INVOICE #
05/01/00	8691

PLATINUM COAST FINANCIAL
1400 GULF SHORE BLVD., SUITE 224
NAPLES, FLORIDA 34102
(941) 262-7774 FAX (941) 262-5988

BILL TO
Northern Trust Bank C/O Kieth Wickenden Grant, Fridkin & Pearson, P.A. Pelican Bay Corporate Centre 5551 Ridgewood Drive, Suite 501 Naples, Florida 34108

QUANTITY	DESCRIPTION	RATE	AMOUNT
1	Land Lease 1995	1,060.00	1,060.00
10	Land Lease 1996	1,060.00	10,600.00
2	Land Lease 1996	1,086.50	2,173.00
10	Land Lease 1997	1,086.50	10,865.00
2	Land Lease 1997	1,113.65	2,227.30
10	Land Lease 1998	1,113.65	11,136.50
2	Land Lease 1998	1,141.49	2,282.98
10	Land Lease 1999	1,141.49	11,414.90
-4	July - October 1999	1,149.49	-4,565.96
2	Land Lease 1999	1,170.03	2,340.06
5	Land Lease 2000	1,170.03	5,850.15
CURRENT	1-30 DAYS PAST DUE	31- 60 DAYS PAST DUE	AMOUNT DUE
\$1,170.03	\$1,170.03	\$00.00	\$55,383.93

YOUNG, VAN ASSENDERP, VARNADOE & ANDERSON, P. A.

ATTORNEYS AT LAW

REPLY TO:

R. BRUCE ANDERSON
TASHA O. BUFORD
DANIEL H. COX
DAVID P. HOPSTETTER*
C. LAURENCE KEESEY
KENZA VAN ASSENDERP
GEORGE L. VARNADOE
ROY C. YOUNG

*BOARD CERTIFIED REAL ESTATE LAWYER

OF COUNSEL
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A.J. JIM SPALLA

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TALLAHASSEE, FLORIDA 32302-1833
TELEPHONE (850) 222-7206
TELECOPIER (850) 561-6834

SUNTRUST BUILDING
801 LAUREL OAK DRIVE, SUITE 300
POST OFFICE BOX 7907
NAPLES, FLORIDA 34101-7907
TELEPHONE (941) 597-2814
TELECOPIER (941) 597-1060

June 6, 2000

D. Tyler VanLeuven, Esq.
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

**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.**

Dear Mr. VanLeuven:

Pursuant to your letter dated May 30, 2000, you requested that we advise you of any reliance that RealNor Hallandale has placed on the Commission's Final Order No. PSC-00-0755-CO-SU. Please be advised that RealNor Hallandale has done the following in reliance on the order:

- a. Placed into effect, approved revised tariff sheets reflecting change in ownership.
- b. Obtained current customer list from BCCU.
- c. Sent notices to customers informing them of change in ownership and change in address and customer service contact.
- d. Remitted estimated regulatory assessment fees for 1999.
- e. Initiated action to file the annual report for 1999.
- f. Assumed all commitments, obligations and representations of the prior owner with respect to utility matters.

I assume that with respect to our client's reliance on the Order, you also mean reliance on the portion of the Order concerning the escrow account since this appears to be the issue to which Mr. Miceli is objecting. RealNor Hallandale has acted in reliance of obtaining monies from the escrow account since the day of its inception. Our client has already invested more than \$162,000 in the Utility, maintaining and repairing the system in accordance with Florida law and without reimbursement therefor, expecting that when the Application for Transfer was finally

D. Tyler VanLeuven, Esq.
June 6, 2000
Page 2

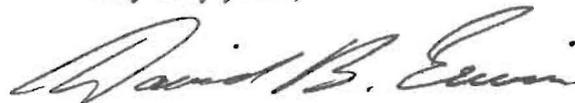
granted, RealNor would be reimbursed for some of these expenses through the escrow account monies. In addition, our client has proceeded to fulfill the remaining requirements of the Order such as preparing the appropriate reports and paying amounts due as directed by the Order.

Further, Mr. Miceli had an opportunity to object to the PSC's Order. He apparently failed to do so in a timely manner since the PSC has no record of any such objection and Mr. Miceli cannot prove that he made any timely objection. There does not appear to be any good faith reason or any extraordinary circumstance to make an exception for Mr. Miceli at this time. Further, the expenses for which Mr. Miceli wishes to be reimbursed are expenses occurring prior to the date of the institution of the escrow and are not covered under the Escrow Agreement. There is no reason to waste the time of the PSC or anyone else for a hearing that would be fruitless for Mr. Miceli even if he were heard.

RealNor Hallandale has fulfilled its responsibilities under the law to maintain the utility during the period of time when it was waiting for the Certificate of Transfer and has expended large sums of money to do so in reliance upon being partially reimbursed from the escrow proceeds. There is no good faith reason at this time that the PSC should revisit any of the issues which it has previously decided.

Please call if you have any questions.

Very truly yours,



David B. Erwin

DBE:jm

cc: Mr. Lloyd Liggett
G. Helen Athan
Roy C. Young, Esq.
Jeffrey D. Fridkin, Esq.
D. Keith Wickenden, Esq.
✓ Michael Miceli