

State of Florida



Public Service Commission

ORIGINAL

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

DATE: July 26, 2000
TO: Division of Records and Reporting (Bayo)
FROM: Division of Legal Services (Christensen) *W*
RE: Docket No. 99-00000-00 - Investigation into retention of certificated area of Ellis & Company, Ltd. (Holiday Mall) by Floralino Properties, Inc.

Please filed the attached facsimile dated July 20, 2000, from Susan F. Fox, Esquire, in the above-referenced docket file.

PAC/lw

cc: Division of Regulatory Oversight (Redemann, Walden)

APP _____
CAF _____
CMP _____
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OPC _____
PAI _____
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SEC / _____
SER _____
OTH _____

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

MACFARLANE FERGUSON & McMULLEN
Attorneys and Counselors at Law



FAX TRANSMITTAL FORM

DATE: July 20, 2000 **NUMBER OF PAGES:** 2
 (Including cover page)

ATTENTION: Patricia Christiansen

FIRM NAME: PUBLIC SERVICE COMMISSION

FAX NO.: (850) 413-6221 **TELEPHONE NO.:**

FROM: Susan W. Fox
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 2300 Park Tower, 400 North Tampa Street
 Tampa, FL 33602

Mailing Address: P.O. Box 1531
 Tampa, Florida 33601

FAX NO. (813) 273-4396 **TELEPHONE NO.:** (813) 273-4200

ADDITIONAL COMMENTS: Re: Ellis & Company, Ltd.

**IF YOU EXPERIENCE PROBLEMS IN RECEIVING,
 PLEASE CALL OUR OFFICE AT (813) 273-4200.**

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Client No. 2278
 Matter No. 1

Time A.M.
 Sent P.M.
 Fax Operator

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IN REPLY REFER TO:

July 20, 2000

Tampa

VIA TELEFAX

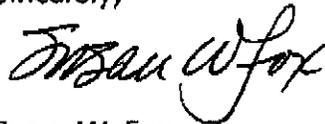
Patricia A. Christensen
Senior Attorney
PUBLIC SERVICE COMMISSION
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 991486-WU - Investigation into retention of certificated area of
Ellis & Company, Ltd. (Holiday Mall) by Floralino Properties, Inc.

Dear Ms. Christensen:

Enclosed is a copy of our letter to Gerald Buhr in response to his letter of May 25,
2000. I did not realize that we had not previously sent you a copy. We are interested in
finding out the staff's position in light of this response. By the way, we have received no
further correspondence from Mr. Buhr subsequent to this letter.

Sincerely,



Susan W. Fox

SWF/ce

Enclosure

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IN REPLY REFER TO:

June 13, 2000

Tampa

Mr. Gerald T. Buhr
BUHR & ASSOCIATES, P.A.
Post Office Box 1657
Lutz, Florida 33548-1657

Re: Docket No. 99-1486-WS
In Re: Application of Ellis & Company, Ltd. (Holiday Mall) to be deleted from territory
in Pasco County served by Floralino Properties, Inc.

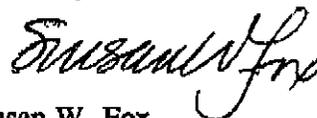
Dear Mr. Buhr:

Please be advised that Ellis does not consider your response dated May 25, 2000, to be in compliance with the Staff's letter of May 9, 2000. The Staff advised that the written response should indicate "whether the requested service can be provided and how that will be accomplished within ten days of receipt of our letter". Your response fails to meet these requirements.

Your client has been aware of the specific needs of Holiday Mall for over one year. Your client has had ample time to determine whether and how it could provide this service within its territory. Rules 25-30.525-540 are not applicable. We find it interesting that your client would now reference Rule 25-30.525 (1) Fla. Admin. Code since, assuming this code provision applies, your client would be more than one year delinquent in complying with subsection (2) which requires the utility to advise a person making a request for extension of service that "applications for utility service must be made in writing." This is not a request for extension of service since your client already serves Holiday Mall. The problem has nothing to do with extending the service; it is that the service is inadequate.

Ellis complied with the Staff's letter dated May 9th in good faith, in hopes that it would result in some meaningful information being exchanged. This has not occurred. Please give us a response as directed by the Staff, otherwise, we will notify the Staff that we request to proceed on the Petition. We expect to get some relief either from the Commission or a court of law.

Sincerely,



Susan W. Fox

SWF/ce