

LUTZ, WEBB & BOBO, P.A. ORIGINAL
LAWYERS

J. ALLEN BOBO
JOHN R. DUNHAM, III
DAVID D. EASTMAN
JODY B. GABEL
MARY R. HAWK
H. ROGER LUTZ
GARDNER SHARPE, JR.
CHARLES W. TELFAIR, IV
RICHARD S. WEBB, IV

ONE SARASOTA TOWER
TWO NORTH TAMiami TRAIL
FIFTH FLOOR
SARASOTA, FLORIDA 34236
TELEPHONE: (941) 951-1800
TOLL FREE: (877) 951-1800
FAX: (941) 366-1603
E-MAIL: info@lutzwebb.com
PLEASE REPLY TO: SARASOTA

TALLAHASSEE OFFICE:
2155 DELTA BOULEVARD
SUITE 210-B
TALLAHASSEE, FLORIDA 32303
TELEPHONE: (850) 521-0890
TOLL FREE: (877) 521-0890
FAX: (850) 521-0891

RECORDED AND
INDEXED
APR 11 11:19 AM '01

April 25, 2001

Via Federal Express
Blancas Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Building, Room 110
Tallahassee, Florida 32399-0850

Re: Docket No. 000545-WS
Application for original certificates to operate a water and wastewater utility in Pasco
County, Florida, by Labrador Services, Inc.

Dear Ms. Bayo:

Enclosed for filing are an original and five copies of Answer to Complaint filed by Forest
Lake Estates Co-Op, Inc. in the above proceeding.

Sincerely,

Richard S. Webb, IV

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

RSW:cd
Encs.
cc: Pat Brady (w/enc.)
Jennifer Brubaker, Esq. (w/enc.)
Patti Daniel (w/enc.)
Kathryn G.W. Cowdery, Esq. (w/enc.)

I:\RSW\Labrador Services\bayo 4-25-01 ltr.wpd

01 APR 26 2001

DOCUMENT NUMBER-DATE
05208 APR 26 2001
FPSC-RECORDS & REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 000545-WS**

FOREST LAKE ESTATES CO-OP, INC.,
a Florida not-for-profit corporation,

Complainant,

vs.

LABRADOR SERVICES, INC.,
a Florida corporation,

Respondent.

ANSWER

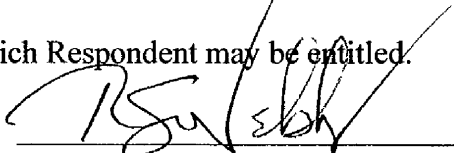
Comes Respondent, Labrador Services, Inc., a Florida corporation, and for its Answer to the Complaint states as follows:

1. Admit that Co-Op is the owner of Forest Lake Estates Mobile Home Park and Forest Lake Village R.V. Park in Zephyrhills, Florida, but is without knowledge as to the remaining allegations.
2. Without knowledge as to Petitioner's representative.
3. Respondent's correct name and address is Labrador Services, Inc., c/o Lutz, Webb, Bobo & Eastman, Attention: Richard S. Webb, IV, Esq., 2 N. Tamiami Trail, Suite 500, Sarasota, Florida 34236. Admit that Respondent provides services to the residents of Forest Lake Estates and Forest Lake Village. Deny allegations of wrongdoing on the part of the Respondent and admit that application for original certificates to operate a water and wastewater utility is pending before this Commission. Respondent's application for a certificate of authority has been "officially filed" and PSC requests for additional information have been complied with.
4. Deny that "unbearably offensive odors" emanate from the wastewater treatment plant ("WWTF"). In the spring of 2000, an "upset" to the WWTF did occur due to a blower failure which caused the WWTF bacteria to die. The bacteria population was quickly repopulated, the blower repaired and backup blowers were installed. The Respondent took these actions with the knowledge of the Florida Department of Environmental Protection ("FDEP") and no citation or fine was imposed. The WWTF has operated smoothly since that time.

5. Deny that the WWTF is not operating in a safe, efficient and proper condition and deny that there is an odor problem. The WWTF was recently inspected by a FDEP inspector with a representative of Respondent present during a “peak” operating period for the wastewater treatment facility and no odor was detected by either the FDEP or Respondent’s representative. Respondent is awaiting an inspection report from FDEP and will promptly respond. The undersigned has made contact with the FDEP inspector who indicated that a inspection report will be forthcoming within the next few days. Respondent will work with FDEP to address concerns, if any, that may be noted in the awaited FDEP report.
6. The undersigned, as representative to the Respondent, spoke directly with representatives of Petitioner as to the alleged odor complaints and engaged an engineering consultant to inspect the plant. Respondent’s consultant met with the FDEP inspector at the plant to review the WWTF and the complaints of Petitioner together with the FDEP representative. As stated above, Respondent is awaiting the FDEP report and will promptly respond to same. Neither Respondent’s engineering consultant nor FDEP representative nor the operator observed any odors during the WWTF inspection which occurred during “peak operating hours” during the community’s high seasonal occupancy.
7. The Respondent is current in all payments to the Co-Op and has demanded an accounting to the Co-Op for the sums alleged to be due for the years 1999 and 2000 (see Exhibit “A” attached hereto).
8. Respondent has demonstrated the financial ability to make any modifications or repair to the WWTF, if any are needed, in prior filings with the PSC. The “serious concerns” harbored by the Complainant as to the Respondent’s financial ability are without foundation. Utility has provided PSC with sufficient detailed information to allay any concerns as to the financial ability of utility to operate and maintain the facilities in a lawful manner.
9. Denied in that Respondent notified each resident of the Forest Lake Estates and Forest Lake Village as well as the Co-Op of the pending application after the application was filed in 2000 (see Affidavit attached as Exhibit “B”). The Utility Agreement between Petitioner and Respondent contemplates such filing with the PSC. PSC staff spoke with residents who responded to the required notification during the protest period and determined that the application should proceed. Note Petitioner’s clever use of the words the “Co-Op Board of Directors President was unaware until March 8, 2001 that the PSC Docket No. 000545-WS...” (emphasis added). There is no allegation that the required notification to the community or its residents was not sent nor that the “Board of Directors” was unaware, but only that one unnamed individual designated as “President” was unaware. This highlights the extremes to which Petitioner seems willing to go to frustrate and delay Respondent’s application, which application was contemplated in the Utility Operating Agreement between the parties. Respondent cannot now claim lack of knowledge and seek to deny Respondent the issuance of the certificates of authority.

WHEREFORE, Respondent requests:

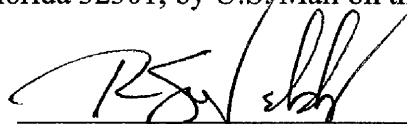
- (1) The PSC refer any issues concerning alleged odor problems to the Florida Department of Environmental Protection;
- (2) The Complaint be dismissed and that the requested certificates of authority be issued to Respondent without delay; and
- (3) All other relief to which Respondent may be entitled.



RICHARD S. WEBB, IV, ESQUIRE
LUTZ, WEBB & BOBO, P.A.
Florida Bar No. 241458
One Sarasota Tower, Suite 500
2 North Tamiami Trail
Sarasota, Florida 34236
Telephone: (941) 951-1800
Telefax: (941) 366-1603
Attorneys for Labrador Services, Inc.

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing was furnished to Kathryn G.W. Cowdery, Esq., 215 S. Monroe Street, Suite 815, Tallahassee, Florida 32301, by U.S. Mail on this 25th day of April, 2001.



RICHARD S. WEBB, IV, ESQUIRE

LUTZ, WEBB & BOBO, P.A.
LAWYERS

J. ALLEN BOBO
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March 28, 2001

Via Federal Express

David Bernstein, Esq.
Ruden, McClosky, Smith,
Schuster & Russell, P.A.
150 Second Avenue N., 17th Floor
St. Petersburg, FL 33701

Re: Forest Lake Estates Co-Op, Inc./Labrador Services, Inc.

Dear Mr. Bernstein:

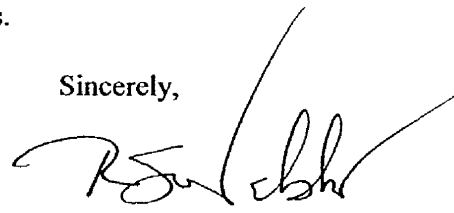
In response to your March 13, 2001 letter, enclosed please find our firm trust account check in the amount of \$28,371.69 which per your letter of March 15, 2001 constitutes payment in full of Labrador Services, Inc.'s rent through March 2001.

Labrador is unable to determine at this time, due to the transition in accounting and the Estate's review of the Labrador books and records, whether or not the amounts that you claim were paid or not. It is also not clear how you calculated the rent through November 30, 2000, as it is an odd amount. Please furnish us with a breakdown. However, to eliminate any issue, and without admission of the charges, we are tendering the demanded funds with the caveat that if Labrador subsequently determines that any of the charges claimed by you were in fact paid, that Labrador reserves the right to claim a credit for any overpayments against subsequent rent payments. Similarly, we have asked for but have not received documentation as to the real estate taxes claimed. If the taxes claimed do not apply to Labrador's leased property or are for incorrect amounts, Labrador reserves the right to claim credit for such overpayments or payments for inapplicable taxes, as the case may be.

On a separate note, we have been furnished a copy of the complaint that your firm filed on behalf of the Co-op in the pending PSC proceeding and will be responding separately to those allegations.

Please call if you should have any questions.

Sincerely,



Richard S. Webb, IV

RSW:cd

Enc.

cc: Paul Le Blanc, Esq.

L:\RSW\Labrador Services\bernstein 3-27-01 ltr.wpd

FAXED
3-29-01

EXHIBIT "A"

LUTZ, WEBB & BOBO, P.A.
TRUST ACCOUNT

TWO NORTH TAMiami TRAIL • SUITE 500 • SARASOTA, FLORIDA 34236
TELEPHONE: (941) 951-1800

3137

DATE 03/28/01

CHECK # 3137

AMOUNT 28,371.69

PAY
THE
AMOUNT
OF

*****Twenty Eight Thousand Three Hundred
*****Seventy One and 69/100

DOLLARS



**SARASOTA
BANK**

2 N. TAMiami TR.
SARASOTA, FL 34236

63-1405/631

TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$500.00

PAY TO
Ruden, McClosky, et al. Trust Account

[Handwritten signatures]

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈003137⑈

3137

LUTZ, WEBB & BOBO, P.A.
TRUST ACCOUNT

MATTER # AND NAME	DATE	LAWYER	G / L #	AMOUNT
3 Labrador Services, Inc.	03/28/01	RSW	11110	28371.69
CHECK DATE: 03/28/01 CHECK #: 3137	CLIENT # & NAME 3106 Forest Lake Estates, Inc.	CHECK AMOUNT:		28,371.69

3137

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Labrador Services, Inc.)
for Original Certificate in Pasco County,) Docket No. 000545-WS
Florida)

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, personally appeared Henry Viau, Affiant, who, being first duly sworn, deposes and says that:

- 1. Affiant is the sole Director of Labrador Services, Inc., the corporation applying for an original certificate to operate water and wastewater utilities at Forest Lake Estates Mobile Home Park and Forest Lakes R.V. Resort in Pasco County, Florida.
2. Affiant sent by regular mail or personal delivery on May 16, 2000 the Legal Notice, attached hereto and referred to as Exhibit "A", to each customer of the proposed system in accordance with §367.045(1)(a), Florida Statutes and Rule 25-30.030, Florida Administrative Code.

FURTHER AFFIANT SAYETH NOT.

[Signature]
Henry Viau

The foregoing instrument was acknowledged before me this 18 day of May, 2000, by Henry Viau

[check] who is personally known to me
[] who has produced a Driver's License as identification

My commission expires:

[Signature]
Notary Public
Typed Name: LORRAINE VAN MOORHEM
Commission No.:

(Notary Seal)



LORRAINE VAN MOORHEM
Notary Public, State Of Florida
My Commission Expires August 4, 2001
Commission No. CC 668958

LEGAL NOTICE FOR

EXHIBIT "A"

**APPLICATION FOR ORIGINAL CERTIFICATE
(FOR A UTILITY IN EXISTENCE AND CHARGING RATES)**

(Section 367.045, Florida Statutes)

LEGAL NOTICE

Notice is hereby given on May 16, 2000, pursuant to Section 367.045, Florida Statutes, of the application of Labrador Services, Inc. to operate a water and/or wastewater utility to provide service to the following described territory in Pasco County, Florida as follows:

**FOREST LAKE ESTATES MOBILE HOME PARK
and
FOREST LAKES R.V. RESORT**

PARCEL A:

A tract of land lying in Sections 5 & 8, Township 26 South, Range 22 East, Pasco County, Florida.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the SW corner of said Section 5, also being the NW corner of said Section 8, thence N 00°35'43" East along the West boundary of said Section 5, 1747.18' to the South right-of-way line of Frontier Drive; thence South 89°55'21" East along said right-of-way 50.00' to the East right-of-way line of Frontier Boulevard; thence North 00°35'43" East along said East right-of-way line of Frontier Boulevard 690.21'; thence continue along said East right-of-way North 00°36'06" East 357.18' to the Southerly right-of-way line of State Road 54; thence Northeasterly along said right-of-way line and a curve to the left having a radius of 5779.58', a chord bearing and distance of North 71°56'58" East 684.96'; thence along the arc of said curve a distance of 685.36'; thence continue along said right-of-way North 68°33'08" East 381.15'; thence continuing along said right-of-way North 68°35'45" East 1067.00'; thence South 00°01'19" West 1096.12'; thence South 00°00'38" East, 3473.69'; thence North 89°55'55" West 2097.29' to the West boundary line of said Section 8; thence N 01°04'30" East along said West boundary 1030.84' to the point of beginning. Containing 60.05 acres.

AND

PARCEL B:

Township 25 South, Range 22 East, Pasco County, Florida

SECTION 32:

The Southeast 1/4 of the Southwest 1/4 of said Section 32.

ALSO

The South 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 32.

LESS

That part thereof within any railroad right-of-way. Containing 197.00 acres.

NOTE: PARENT TRACT LEGALS REFER TO PARCELS AS 1, 2, 3 & 4.

Any objection to the said application must be made in writing and filed with the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

Labrador Services, Inc.
c/o Lutz, Webb & Bobo, P.A.
Attn: Richard S. Webb, IV, Esq
2 North Tamiami Trail, Suite 500
Sarasota, Florida 34236