

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 6/5/01

Docket No. 010816-WS

- 1. Division Name/Staff Name Division of Legal Services-Lorena Espinoza
- 2. OPR Division of Legal Services-Lorena Espinoza *JTE. ps*
- 3. OCR Division of Economic Regulation-Karen Peacock
- 4. Suggested Docket Title Initiation of show cause proceedings against Floridana Homeowners, Inc., in Manatee County for violation of Rule 25-30.110(3), F.A.C., Annual Reports.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
- B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

Floridana Homeowners, Inc. _____
James R. Valentine, President _____
304 52nd Avenue Terrace, West _____
Bradenton, FL 34207-2952 _____

2. Interested Persons and their representatives (if any)

6. Check one:

- Documentation is attached.
- Documentation will be provided with the recommendation.

Chester R. Brooks, CPA
6404 Manatee Ave W, Ste. L
Bradenton, FL 34209
(941)792-6527 fax (941)792-6601

March 26, 2001

Ms. Karen Peacock
Public Service Commission
Capital City Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Floridana Homeowners, Inc. WS777

Dear Ms. Peacock,

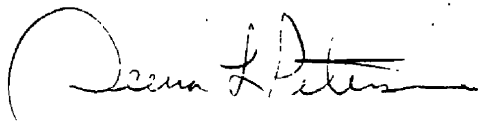
Enclosed you will find the letter you requested from the Floridana board of directors regarding their records for 1995 and 1996. As their accountant, I can also verify that most of their records from the 1995-1996 period are missing. At this point, it would be impossible to reconstruct the records for an accurate PSC report.

We did find some correspondence between Mr. Irwin Keller, president of Floridana, and the Public Service Commission that seems to indicate that this problem of missing reports was cleared up in 1997. (See enclosed copies). The letter indicates that Floridana was to pay the RAF fee for the period 10/95-12/96 based on amounts paid to Manatee County Public Utilities. That amount was paid April 29, 1997. It was to cover both 1995 and 1996. This was agreed to by a Ms. Reyes from the PSC legal division. Floridana also paid a late filing penalty on this amount in September of 1997.

Since 1997, there has been no further contact from the PSC regarding the 1995-1996 reports. The Board of Directors honestly believed that the matter had been cleared up. Now, four years later they are being asked to explain why reports were not filed. Irwin Keller, their former president and accountant, is currently awaiting trial on charges of embezzlement from Floridana, and any records that were in his possession are missing.

Thank you for your help in clearing up this matter. I hope that we can clear this up permanently so that three or four years from now we do not have to go through this again. If you need any further information, please let me know.

Sincerely,



Deena L. Peterson, CPA
(941)758-4715

RECEIVED
PUBLIC SERVICE
COMMISSION
MAR 28 AM 10:11
ECONOMIC REGULATION

Floridana^{INC.}

304 52nd Avenue Terrace, West
Bradenton, Florida 34207

March 23, 2001

Ms. Karen Peacock
Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Floridana Homeowners, Inc.
WS777

Dear Ms. Peacock:

As present Treasurer of Floridana Homeowners, Inc., I have been advised that you are investigating whether our utility company filed the annual report for 1995 and 1996 at the time the Regulatory Assessment Fee was sent in.

Following please find the only correspondence I found in our old files pertaining to this report. If you will refer to the letter to the PSC dated April 29th, 1997, from our then President Irwin Keller, it appears there was some kind of agreement reached between the former Floridana President, James Seng, and a Ms. Reyes of your Legal Services Division, regarding the filing, and a check was sent for \$3,491.79. Subsequently, a penalty was received for late payment totaling \$209.51, and that was also paid and we were assured by Mr. Keller that everything was in order.

Unfortunately, Irwin Keller who was the President of the Board and our accountant at that time is not available to us at present. An audit of our books revealed a large amount of unaccounted for funds and other irregularities for which he is awaiting trial at the end of this month. (Copy of my subpoena as a witness for the State is enclosed.) In addition, many of our financial records disappeared from the office and have not been found to date.

I trust this information will help clarify our situation, but if there is anything else you require, please let us know and we will do our utmost to obtain it for you.

As you are aware, our accounting is now handled by Deanna Peterson from the firm of Chester Brooks, and they are very diligent in filing all our reports in an accurate and timely manner.

Thanking you for your kind attention, I remain

Cordially,

A handwritten signature in cursive script, appearing to read "Carmen Ledesma".

Carmen Ledesma
Treasurer

CL/ms
Attachments

Floridana

304 52nd Avenue Terrace, West
Bradenton, Florida 34207

April 29th, 1997

FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF WATER & WASTEWATER
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

RE: FLORIDANA HOMEOWNERS, INC.
COMPANY CODE - WS 777
CERTIFICATES - 504S
- 586W

GENTLEMEN,

We enclose Check in the Amount of \$3,491.79 for the Franchise Tax, 4½% for Water and Sewer charges paid to Manatee County Public Utilities for the Period October 10, 1995 thru December 31st, 1996. Our former President, James Seng and Ms Reyes of the Division of Legal Services agreed to this since it was the first time of Filing, without previous records we paid Manatee County Public Utilities for the Period mentioned above \$77,595.35.

Rate C 4½%
Amount Due \$ 3,491.79

Sincerely

Floridana Homeowners, Inc.

BY Irwin Keller by E.T.

Irwin Keller

President

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING



STEVE TRIBBLE, DIRECTOR
DIVISION OF ADMINISTRATION
(904) 413-6330

Public Service Commission

August 26, 1997

WS777
Floridana Homeowners, Inc.
304 52nd Avenue Terrance, West
Bradenton, FL 34207-2952

Dear Sir:

Wastewater System Utility

Our records indicate that the envelope enclosing your Regulatory Assessment Fee payment for the period January 1, 1996 through December 31, 1996, was postmarked after the due date of April 10, 1997. In accordance with Florida Statute 350.113(4), penalty and interest charges are assessed as follows:

Penalty Due	(\$3,491.79 x 5%)	\$174.59
Interest Due	(\$3,491.79 x 1%)	<u>34.92</u>
Total Due		\$209.51

To avoid additional interest charges, your payment must be postmarked or delivered to the above address by September 9, 1997.

If you have any questions, please call Mr. Charles Byrne at (904) 413-6267.

Yours truly,

Handwritten signature of Evelyn H. Sewell in cursive.

Evelyn H. Sewell, Chief
Bureau of Fiscal Services

EHS/CB/8-26-97.P&I

c: Mr. Charles Byrne
Ms. Jacquelyn Gilchrist

FLORIDANA HOMEOWNER, INC.

304 52ND AVENUE TER. W.
BRADENTON FL 34207

0000

Sept. 8th 19 97

63-761/631
18

PAY TO THE
ORDER OF

Public Service Commission

\$ 209.51

Two Hundred & nine -----51/100----- DOLLARS

Barnett

069-018
4545 14th Street West
Bradenton, Florida 34207

FOR

Penalty Due Wastewater System

Eileen Tyler, o/m

11

WITNESS SUBPOENA

STATE OF FLORIDA,
V
ELLER, IRWIN

00001114AA
MS0# 9900013267

NOTE: WHEN YOU RECEIVE THIS SUBPOENA YOU MUST IMMEDIATELY CALL THE ATTORNEY LISTED BELOW AT 941-747-3077 BETWEEN 9:00 A.M. AND 4:30 P.M. YOU WILL THEN BE PLACED ON TELEPHONE STANDBY STATUS AND ASKED TO LEAVE YOUR HOME AND WORK TELEPHONE NUMBERS SO YOU CAN BE REACHED WHEN YOUR APPEARANCE IS REQUIRED FOR TRIAL.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN COURT ACTION!

ALL AND SINGULAR THE SHERIFF'S OF THE STATE OF FLORIDA AND STATE ATTORNEY INVESTIGATORS GREETINGS: YOU ARE HEREBY COMMANDED TO

APPEAR AT:
DESHA, CARMEN
51ST AVENUE DRIVE W
BRADENTON FL
BRADENTON, FL 34207

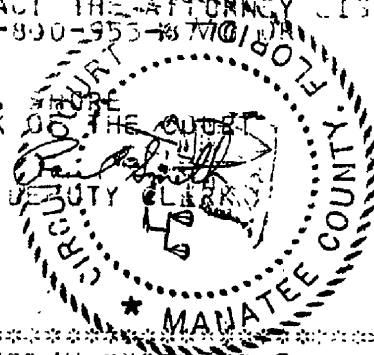
TO APPEAR BEFORE ONE OF THE JUDGES OF OUR CIRCUIT COURT IN AND FOR MANATEE COUNTY, STATE OF FLORIDA, AT THE COURT HOUSE IN BRADENTON, COURT ROOM "B" OR "C" ***FOR THE TWO WEEK TRIAL PERIOD BEGINNING 15TH DAY OF MARCH, 2001, AT 9:00 A.M. AND THEREAFTER UNTIL RELEASED BY THE COURT*** AND THE TRUTH TO SPEAK IN BEHALF OF THE STATE OF FLORIDA IN THE ABOVE-STYLED CAUSE.

YOU ARE SUBPOENAED TO APPEAR BY THE FOLLOWING ATTORNEY AND UNLESS EXCUSED FROM THIS SUBPOENA BY THIS ATTORNEY OR THE COURT, YOU SHALL RESPOND TO THIS SUBPOENA AS DIRECTED.

WITNESS, R.B. SHORE, CLERK OF SAID COURT, AND THE SEAL OF SAID COURT, AT THE CLERK'S OFFICE AT BRADENTON, AFORESAID, THIS 14TH DAY OF MARCH, 2001.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS REQUESTING A REASONABLE ACCOMMODATION TO PARTICIPATE IN THE PROCEEDING SHOULD, NO LATER THAN SEVEN DAYS PRIOR, CONTACT THE ATTORNEY LISTED BELOW. IF HEARING IMPAIRED, CONTACT (TDD) 1-800-955-8771, VIA FLORIDA RELAY SERVICE.

R. B. SHORE
CLERK OF THE COURT
BY:



WELLY, JULIE
ATTORNEY FOR THE STATE OF FLORIDA
12 MANATEE AVENUE WEST
BRADENTON, FLORIDA 34205

RECEIVED THIS PROCESS ON 03/09/01 AND SERVED/EXECUTED THE SAME AT 3:35 P.M. ON 3-8-01, IN MANATEE COUNTY, FLORIDA.

INDIVIDUAL SERVICE: BY DELIVERING TO THE WITHIN NAMED PERSON A TRUE COPY.

SUBSTITUTE SERVICE: BY LEAVING A TRUE COPY OF THIS PROCESS, WITH THE DATE AND HOUR OF SERVICE ENDORSED THEREON BY ME, AND A COPY OF THE COMPLAINT, PETITION, OR OTHER INITIAL PLEADING OR PAPER, AT THE WITHIN NAMED PERSON'S PLACE OF ABODE WITH ANY PERSON RESIDING THEREIN WHO IS 15 YEARS OF AGE OR OLDER AND INFORMING THE PERSON OF THEIR CONTENTS.
NAME: _____ RELATIONSHIP: _____

ACCEPTED: I HEREBY ACCEPT, IN MANATEE COUNTY, FLORIDA, A TRUE COPY OF THIS WRIT, AT _____ . ON _____

NON-SERVICE: FOR THE REASON THAT AFTER DILIGENT SEARCH AND INQUIRY, _____ COULD NOT BE FOUND IN MANATEE COUNTY, FL.

BY: CHARLES B. WELLS, SHERIFF
MANATEE COUNTY, FLORIDA
[Signature]

PHONE 755-5666

Floridana

Mailing Address:

304 52nd Avenue Terrace, West
Bradenton, Florida 34207

PHONE: (941) 755-5666

FAX NO.: (941) 755-6376

DATE: 01-24-01

FROM: Floridana / Debbie

ATTENTION: Karen Peacock

FAX NO. 941) 755-6376 PHONE: 941) 755-5666

COMMENTS: FYI

6 PAGES TOTAL, INCLUDING COVER SHEET

PHONE 755-5666

Floridana

304 52nd Avenue Terrace, West
Bradenton, Florida 34207

April 28, 1996

PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399
C/O TRAVIS COKER:

DEAR SIR:

PRIOR TO A DECISION (BY BOTH OF OUR ATTORNEYS) TO RE-REGISTER AS A UTILITY UNDER A GRANDFATHER CERTIFICATE, WE HAD ALREADY BEEN TOLD, THAT IN ORDER TO BECOME A HOMEOWNER'S ASSOCIATION, WE WOULD HAVE TO MAKE EVERYONE IN THE PARK, MEMBERS (BOTH STOCK HOLDERS AND NON STOCKHOLDERS).

WE COMPLIED AND HELD A MEETING IN WHICH MAJORITY OF STOCKHOLDERS AGREED. IT WAS NECESSARY TO CHANGE OUR BY-LAWS ACCORDING TO OUR RULES AND REGULATIONS. THEN WE WERE INFORMED THAT BECAUSE OUR MEMBERS WERE STOCKHOLDERS, WE HAD TO APPLY FOR A UTILITY CLASSIFICATION.

WE ARE NOW IN THE PROCESS OF RE-INFORMING OUR STOCKHOLDERS OF THE NECESSARY CHANGES AND IT IS A LENGTHY PROCEDURE, DUE TO THE MAJORITY OF OUR STOCKHOLDERS HAVING MOVED NORTH FOR THE SUMMER SEASON.

X
TO ACQUAINT OURSELVES WITH THE MASSIVE AMOUNT OF PAPER WORK INVOLVED IN THIS CHANGE, WE FIND IT VERY TIME CONSUMING. ALSO IT WILL REQUIRE HIRING MORE PERSONNEL AND INVOLVE COSTLY TRAINING WHAT WITH REPORTS, FORMS, REGISTRATIONS ETC. LOADED WITH PENALTIES. UNDER THE NEW REGULATIONS, WE HAVE RECOGNIZED THAT THIS IS NOT AN OVERNIGHT CHANGE.

WITH A NEW STOCKHOLDERS MEETING SCHEDULED FOR THE THE FALL TO ASCERTAIN THEIR FEELINGS, IT WILL BE NOVEMBER BEFORE WE CAN CORRECTLY SUBMIT OUR REQUESTED CERTIFICATE ---PLEASE ADVISE.

SINCERELY

BOARD OF DIRECTORS

FLORIDANA INC.

JUNE, 7 1996

PUBLIC SERVICE COMMISSION
FLETCHER BLDG. 101 E.GAINES ST.
TALLAHASSEE, FLORIDA 32399-0850
ATTN.MR. TRAVIS COKER

RE: FLORIDANA HOMEOWNERS INC. WATER AND SEWER UTILITY
REGISTRATION.

FLORIDANA HOMEOWNERS INC.--PURSUANT TO PARAGRAPH 367.171 FLORIDA
STATUTES, HEREBY REGISTERS WITH THE FLORIDA PUBLIC SERVICE
COMMISSION AND STATES:

1---FLORIDANA HOMEOWNERS INC. PROVIDES WATER AND SEWER TO THE
PUBLIC, TO DEFRAY THE COST OF BILLING, BY MANATEE COUNTY WATER
DEPARTMENT AND THE COST OF MAINTAINING ITS OWN SEWER SYSTEM.

2---FLORIDANA HOMEOWNERS INC. SERVICES 312 UNITS OF WHICH 297
OF THEM, ARE FED WATER THROUGH A MASTER METER AND THE OTHER 15
UNITS ARE INDIVIDUALLY METERED BY THE COUNTY. EACH OF THE TOTAL
UNITS DOES SIT ON CORPORATION OWNED AND OPERATED SEWER SYSTEM.

OUR FULL LEGAL NAME IS FLORIDANA HOMEOWNERS INC.
MAILING ADDRESS--304 52nd ave. TERRACE WEST BRADENTON FL.34207.
PHONE # 941-755-5666.

A BRIEF DESCRIPTION OF FLORIDANA HOMEOWNERS INC. SERVICE AREA
IS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 35
SOUTH RANGE 17 EAST; THENCE N 00°50" W, ALONG THE EAST LINE
OF SAID SECTION A DISTANCE OF 863.50 FEET FOR THE POINT OF
BEGINNING; THENCE CONTINUE WEST 374.75 FEET; THENCE NORTH 115.50
FEET; THENCE EAST 373.04 FEET; THENCE S 00°50'50" E, 115.51
FEET TO THE P.O.B. THE ABOVE LYING AND BEING IN SECTION 11,
TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.
THE AREA WILL BE MORE SPECIFICALLY DESCRIBED IN FLORIDANA
HOMEOWNERS INC'S CERTIFICATE APPLICATION.

WITHIN NINETY(90) DAYS AFTER AUGUST 11, 1996, FLORIDANA HOMEOWNERS
INC, WILL ATTEMPT TO FILE ITS APPLICATION FOR WATER AND SEWER
CERTIFICATE OF AUTHORITY, TO THE STATUTE AND APPLICABLE PROVISIONS
OF THE FLORIDA ADMINISTRATIVE CODE.

RESPECTFULLY SUBMITTED THIS 7TH DAY OF JUNE 1996.

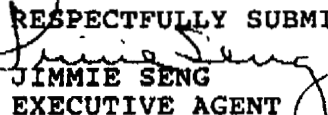
BOARD OF DIRECTORS
FLORIDANA HOMEOWNERS INC.
James H. Seng
BY PRESIDENT/JAMES H. SENG

FEBRUARY 21, 1997

FROM : JIMMIE SENG --EXECUTIVE AGENT
TO : PRESIDENT BOARD OF DIRECTORS
SUBJECT : UPDATE ON CERTIFICATE OF ELIGIBILITY

A TELEPHONE CONVERSATION TODAY WITH TRAVIS COKER RESULTED IN THE FOLLOWING;

- 1---THE RULING OR PROCEDURE STATES THAT WITHIN (20) DAYS AFTER THE AGENDA MEETING, AN ORDER CAN BE ESTABLISHED TO ASCERTAIN THAT WE HAVE BEEN APPROVED AS A UTILITY AND CERTIFICATION DOCUMENTS WILL BE ISSUED. HE ALSO REMINDED ME THAT THE WHEELS OF BUREAUCRACY TURNS VERY SLOW.
- 2---WE DISCUSSED RENUMERATION FOR TIME SPENT BY OUR OWN STAFF AND FOUND OUT THAT THERE IS A TIME WHEN WE COULD BE REIMBURSED FOR OUR EFFORTS IF WE WERE TO ESTIMATE TIME TO INCREASE BUSINESS COST TO SUBSTANTIATE A RATE INCREASE. I.E. 20 HRS. MONTH WORKING ON SPECIAL ASSISTANCE.
- 3---HE ALSO SAID WE NEED TO GET ALL THE INFORMATION WE CAN ABOUT COMPLYING AND FUTURE RATE CHANGES ETC. THE DIVISION THAT HANDLES SMALLER UTILITIES (NARUC) WILL BE OUR OVERSEER AND MANAGED BY (NEIL BETHEA--904-413-6960) TRAVIS SAYS THIS MAN IS A REAL GENTLEMAN AND WILL NOT LEAVE US HANGING.
- 4---BOTTOM LINE---WE SHOULD GET A COPY OF THE ORDER BY MONDAY FEBRUARY, 24 IF HE GETS A COPY PRIOR TO THAT HE'LL SHIP IT OUT TO US PRONTO.

RESPECTFULLY SUBMITTED

JIMMIE SENG
EXECUTIVE AGENT

FEBRUARY 28, 1997

TO: BOARD OF DIRECTORS
FROM: JIMMIE SENG EXEC.AGENT
SUBJECT: TALLAHASSEE COMMUNICATION UPDATE,RE:UTILITY

FIRST CONVERSATION (TRAVIS TOKER) IN REFERENCE TO THE DATES INTERPRETATION ON THE FINAL ORDER OF ELIGIBILITY,RESULTED IN A NOT KNOWING ANSWER AND WAS PASSED ON TO THE COMMISSION'S ATTORNEY A MS. BOBBIE REYES.

MS.REYES INFORMED ME THAT AS THE ORDER WAS WRITTEN,THE DATE IN QUESTION IS MARCH 17TH.SHE ADVISED ME TO CONTACT MR.NEIL BETHEA MARCH 18th TO ASCERTAIN THAT THERE WERE NOT ANY OPEN COMPLAINTS JUDICIALLY, SO AS TO PROCEED WITH OUR PROGRAM OF BILLING AND OPERATING AS A UTILITY.

MR. NEIL BETHEA WAS VERY CORDIAL AS I ASKED HIM OUR NEXT CONCERN. WHERE DO WE STAND ON PASSING THE REGULATORY TAX TO THE CUSTOMER? HIS CONTENTION IS AS FOLLOWS: WE MUST FILL OUT AN APPLICATION, REQUESTING WHAT THEY REFER TO AS A (PASS THROUGH).HE IS SENDING US ONE AND UNTIL WE SEND IT BACK FOR APPROVAL,WE HAVE TO GO WITH THE RATES THAT WAS ESTABLISHED ON OUR GRANDFATHER'S CERTIFICATE.HE ALSO INFORMED ME THAT OUR RATES ARE NOT EFFECTIVE UNTILFORTY FIVE (45) DAYS AFTER WE GIVE NOTICE TO OUR CUSTOMERS.

MY NEXT COMMUNICATION WAS WITH WAYNE ROBERTS,ENGINEERING MANAGER OF MANATEE COUNTY TRANSPORTATION DEPARTMENT.I CALLED TO GET AN UPDATE ON OUR STREETS SITUATION AND HE INFORMED ME THAT THE PLOTTING OF THEIR SURVEY WILL BE FINISHED NEXT WEEK.BECAUSE OF OTHER DEMANDS THEY HAD TO GO OFF SCHEDULE AND ARE TWO WEEKS BEHIND.IT HAS BEEN SUBMITTED TO SWFMD TO SEE IF A PERMIT WILL BE NECESSARY FOR WATER QUALITY,AND HE HOPES TO GET AN EXEMPTION. OTHER THAN THAT,THEY ARE RIGHT ON SCHEDULE.

RESPECTFULLY SUBMITTED

JIMMIE SENG

Tariff info

- > enter the utility name on each page
- > enter the issuing officer on each page
- > enter the title for the officer " "
- > do not enter an effective date
- > the type of filing is "GRANDFATHER"

on page 3.1 enter the legal description

on page 12.0 enter ~~the rates~~ the rates

on page 13.0 enter the rates

deposits →

14.0

water (misc. service)
w/water charges

4.5%	Regulatory Assessment Fee	due 3/30/97
1996	Annual Report	due 3/30/97