

ORIGINAL

M E M O R A N D U M

November 29, 2001

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: DIVISION OF LEGAL SERVICES (BRUBAKER) *JB*

RE: DOCKET NO. 011006-SU - APPLICATION FOR AMENDMENT OF CERTIFICATE NO. 247-S TO EXTEND SERVICE AREA IN LEE COUNTY, BY NORTH FORT MYERS UTILITY, INC.

Please place the attached letter from Attorney Martin F. Frieman, dated and received on November 28, 2001, in the above-referenced docket file.

JSB/lw

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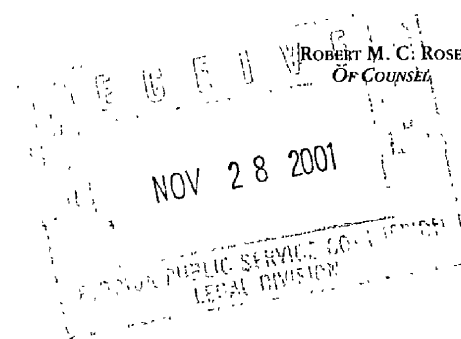
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**November 28, 2001**

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**VIA HAND DELIVERY**



**Jennifer Brubaker, Esquire  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850**

**Re: North Fort Myers Utility, Inc.; Docket No. 011006-SU  
Application for Amendment of Certificate No. 247-S to extend service area in  
Lee County, Florida by North Fort Myers Utility, Inc.  
Our File No. 16319.29**

**Dear Jennifer:**

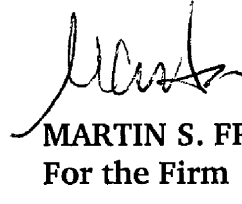
This letter is in response to your correspondence of November 20, 2001 requesting that North Fort Myers Utility, Inc. respond to the comments of the Department of Community Affairs contained in its November 1, 2001 letter to Bill Lowe. Specifically, I understand that you are questioning a need for service in Sections 4, 5, 6 and 7 of Township 43 South, Range 24 East. If you will review the map provided by NFMU in connection with this Application, it will make the comments in this letter easier to follow.

With regard to lands in Section 4, the vast majority of that Section is in NFMU's existing service area and it is only that 3.95 acre parcel west of Tamiami Trail that is the subject of this Application. As you can see, that property abuts Tamiami Trail and can expected to be developed similar to adjacent properties. With regard to lands in Section 5, you will note there is a 20 acre parcel denoted in the southeastern quarter of that Section. I am in the process of preparing a Developer Agreement for that property, upon which is located the St. Therese Mission Church. We can logically expect that a large portion of Section 5 which abuts Tamiami Trail will be developed in a similar manner as that east of Tamiami Trail and should property be included within NFMU's service area. With regard to Sections 6 and 7, NFMU has had no request for service and based upon the statements by the DCA, probably will never be developed. Thus, it may be appropriate to exclude those two Sections from the current application and NFMU would have no objection to that deletion.

Jennifer Brubaker, Esquire  
November 28, 2001  
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I trust this information adequately addresses the DCA's concerns; however, please do not hesitate to give me a call should you have any additional questions.

Very truly yours,



MARTIN S. FRIEDMAN  
For the Firm

MSF:brm  
Enclosure

cc: Mr. Jack Schenkman  
Mr. Tony Reeves  
Dr. Joel Schenkan  
Dr. Michael Schenkman