



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: February 4, 2002
TO: Division of the Commission Clerk and Administrative Services
FROM: Jennifer S. Brubaker, Senior Attorney, Office of the General Counsel
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.

The attached letter to Mr. Norman Hale, dated October 31, 2001, was inadvertently not filed with the Division of the Commission Clerk and Administrative Services. Please place the letter in the above-referenced docket. Thank you.

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OFFICE OF GENERAL COUNSEL
HAROLD A. MCLEAN
(850) 413-6199

Public Service Commission

October 31, 2001

Mr. Norman F. Hale
10611 Bayshore Road
North Fort Myers, Florida 33907

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.

Dear Mr. Hale:

I appreciate the opportunity I had to speak with you on October 26, 2001, with respect to the above-captioned matter. Pursuant to our conversation, attached please find copies of an "Amendment to Application for Amendment to Certificate of Authorization" (Amendment) and "Motion to Dismiss Objection of Mr. Hale" (Motion), both of which were filed with the Commission by counsel for North Fort Myers Utility, Inc. (NFMU) on October 24, 2001.

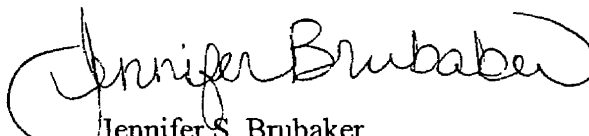
As we discussed, the Amendment seeks to eliminate your property from the area which the utility is requesting to serve. Section 367.045(4), Florida Statutes, affords a point of entry for persons substantially affected by an application for an amendment of certificate to object and request an administrative hearing. The Motion asserts that, with the elimination of your property, you would no longer be affected by the Commission's decision. The utility is therefore requesting that your objection and request for an administrative hearing in this matter be dismissed.

Staff is in agreement that, because the utility has requested the deletion of your property from the requested territory amendment, your interests will no longer be affected by any Commission action taken on the application as amended. Therefore, we would agree that the appropriate course of action would be for you to withdraw your objection and request for hearing. To that end, I'd like to request that you take the opportunity to review the attached documents. If you are in agreement with staff's assessment, please file the withdrawal of objection in writing by November 14, 2001, with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, so that staff may proceed with the processing of this application.

Mr. Norman Hale
October 31, 2001
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Please be advised that the opinions contained herein are staff opinions and in no way are binding upon the Commission. If you have any questions, please do not hesitate to contact me at (850) 413-6228.

Sincerely,



Jennifer S. Brubaker
Senior Attorney

JSB:lw

cc: Division of Regulatory Oversight (Walden)
Martin S. Friedman, Esquire

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