

STATE OF FLORIDA

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Public Service Commission

September 24, 2002

Robert B. Burandt, Esquire
Roosa, Sutton, Burandt, et al.
1714 Cape Coral Parkway East
Cape Coral, Florida 33904

Re: Docket No. 020640-SU - Application for certificate to provide wastewater service in Lee County by Gistro, Inc.

Dear Mr. Burandt:

As you know, Mr. William E. Sundstrom has provided me with a copy of a letter dated September 18, 2002, from himself to Mr. David M. Owen regarding, among other things, Gistro, Inc.'s (Gistro) authority to disconnect customers from the wastewater collection system within the Forest Mere subdivision. I am also in receipt of a copy of your letter to Mr. Owen dated September 5, 2002, on the subject, as well as of a Sheriff's Deed dated November 2, 2000, showing that the collection system at issue was sold at Public Auction to a Mr. Rolf Pfaff.

Please be advised that if Gistro has the authority to disconnect customers from the wastewater collection system within the Forest Mere subdivision, that authority is not derived from the Florida Public Service Commission's (Commission) rules, which are contained in Chapter 25-30 of the Florida Administrative Code. Since Gistro is not a utility which provides service to the public for compensation, Gistro is not bound by those rules at this time. As you are aware, your client, Mr. Holzberg, has applied with this Commission for an original certificate in the name of Gistro, Inc., to provide wastewater collection service. If that application were to be granted, including rates and charges, Gistro would at that time become authorized to charge for service and would at the same time become bound by this Commission's rules, including the rules on disconnection.

Pending a decision on Mr. Holzberg's application for certificate, the staff of this Commission has considered the idea of offering to mediate the situation involving the disconnections that have occurred and/or may occur as a result of actions taken or to be taken by your client acting as Gistro, Inc. However, the Sheriff's Deed dated November 2, 2002, which shows that the collection system was sold at Public Auction to Mr. Rolf Pfaff, calls the validity of Mr. Holzberg's application with this Commission into question. Therefore, we will postpone any offer of mediation unless Mr. Holzberg can show proof that he is indeed the rightful owner of the collection system.

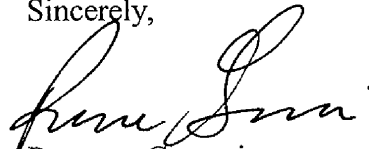
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Moreover, this Commission's rules require proof of ownership of the collection system in order for Mr. Holzberg to receive a certificate to provide the wastewater collection service. If your client wishes to continue to pursue his application for certificate with this Commission, I would strongly suggest that he file proof of ownership of the system **by October 15, 2002**. The proof of ownership should be addressed to Ms. Blanca Bayo, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399, and Docket No. 020640-SU should be referenced on the filing. If we do not hear from either you or Mr. Holzberg regarding this matter by October 15, 2002, we will have no choice but to recommend to the Commission that Mr. Holzberg's application be denied and the docket closed.

If you have any questions about any of the above, please feel free to contact me at (850) 413-6224.

Sincerely,



Rosanne Gervasi
Senior Attorney

RG/dm

cc: Division of the Commission Clerk and Administrative Services
Division of Economic Regulation (Brady)
William E. Sundstrom, Esquire
Martin S. Friedman, Esquire
Mr. Fritz Holzberg
David M. Owen, Esquire

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