

State of Florida



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

DATE: September 22, 2003
TO: Division of the Commission Clerk and Administrative Services
FROM: Office of the General Counsel (Gervasi) *GG*
RE: Docket No. 020640-SU - Application for certificate to provide wastewater service in Lee County by Gistro, Inc.

Please file the attached letter, from William E. Sundstrom, Esquire, with attachments, dated September 18, 2003, in the docket file for the above-referenced docket.

RG/dm

I:\020640-fm3 rg

DOCUMENT NUMBER-DATE

09079 SEP 22 8

FPSC-COMMISSION CLERK

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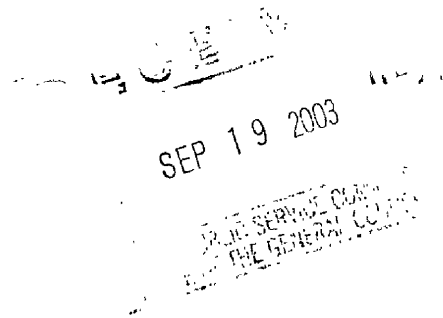
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(LICENSED IN TEXAS ONLY)

September 18, 2003

Rosanne Gervasi, Esq.
Florida Public Service Commission
Legal Department
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Fritz Holzberg\Gistro, Inc.
Our File No. 20989.08



Dear Rosanne:

Sooner or later, the Commission is going to have to deal with Gistro, Inc., which holds itself out to be a utility, notwithstanding its lack of Commission authorization to claim that distinction.

Attached please find a letter from Gistro to Mr. And Mrs. Morales of Bonita Springs, which attaches a copy of the model tariff and makes reference to it. Clearly, Gistro is acting as a utility, but it is misleading these unfortunate individuals into the belief that it is such, notwithstanding lack of PSC certification.

I encourage you to take action in this matter.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP

William E. Sundstrom, P.A.
For the Firm.

WES:jmt
Attachment
cc: David Owen
Fred Partin
Don Thomson

Sep 17 2003 15:41

P. 02

GISTRO INC.
A FLORIDA CORPORATION

P.O. BOX 110 131
NAPLES FL 34108

September 15, 2003

Morales Eduardo A.+ Carol A.
11760 Red Hibiscus Dr.
Bonita Springs FL.34135

Dear Mr. Morales

Please be advised that your home has been connected to Gastro Inc. sewer collection system without our authorization in violation of Florida Statue 877.09

Please be advised that the law allows us to disconnect your house from the sewer system without prior notice. This notice is being provided to you pursuant to Florida law concerning trespass and unauthorized use of utilities the notice of which shall be a sufficient condition precedent to bringing a lawsuit against you for violation of same.

We urge you to contact an attorney in order to protect your legal rights and avoid a hardship to your family by the disconnecting of your sewer line. Further be advised that your builder was aware that he did not have our consent to tie into the sewer line at the time the building permit was obtained and your home was constructed. Further be advised that your home will be disconnected if this matter is not resolved in the near future.

Should you have any questions or comments, please contact your builder so that a resolution can be obtained in the near future.

Sincerely yours,

Gistro Inc.,

ORIGINAL SHEET NO. 10.0

NAME OF COMPANY _____

WASTEWATER TARIFF

(Continued from Sheet No. 9.0)

17.0 DELINQUENT BILLS - When it has been determined that a Customer is delinquent in paying any bill, wastewater service may be discontinued after the Company has mailed or presented a written notice to the Customer in accordance with Rule 25-30.320, Florida Administrative Code.

18.0 TERMINATION OF SERVICE - When a Customer wishes to terminate service on any premises where wastewater service is supplied by the Company, the Company may require reasonable notice to the Company in accordance with Rule 25-30.325, Florida Administrative Code.

* 19.0 UNAUTHORIZED CONNECTIONS - WASTEWATER - Any unauthorized connections to the Customer's wastewater service shall be subject to immediate discontinuance without notice, in accordance with Rule 25-30.320, Florida Administrative Code.

F.S. 2001

MISCELLANEOUS CRIMES

Ch. 877

* 877.09 Tampering with or damaging sewer systems.—

(1) Whoever willfully or fraudulently, without the consent of any person, firm, or corporation or lessee, trustee, or receiver owning, leasing, operating, or managing any sewer system, shall tap, make or cause to be made any connection with, injure or knowingly to suffer to be injured, tamper or meddle with, plug or in any way hinder, use without authorization, or interfere with any lines, mains, pipes, laterals, collectors, connections, interceptors, manholes, appliances, or appurtenances used for or in connection with any sewer system and belonging to such person, firm, or corporation or lessee, trustee, or receiver, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.085.

(2) The existence of any tap, connection to, unauthorized use of, or interference with any line, main, pipe, lateral, collector, connection, interceptor, or other appliance or appurtenance used for or in connection with any sewer system and belonging to any person, firm, or corporation or lessee, trustee, or receiver owning, leasing, operating, or managing any sewer system shall be prima facie evidence of intent to violate this law by the person receiving the direct benefit from such tap, connection, or interference.

History—s. 1, 7, ch. 83-232; s. 1154, ch. 71-126

877.10 Real property; dual contracts prohibited.—

(1) It is unlawful for any person to knowingly make, issue, deliver, or receive dual contracts for the purchase or sale of real property. Dual contracts, either