

ORIGINAL

MEMORANDUM

September 24, 2003

RECEIVED FPSC

03 SEP 25 AM 10:44

COMMISSION
CLERK

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (CROSBY)

RE: DOCKET NO. 030667-WS - APPLICATION FOR AMENDMENT OF CERTIFICATES NOS. 247-W AND 189-S FOR EXTENSION OF WATER AND WASTEWATER SERVICE AREA IN SEMINOLE COUNTY BY SANLANDO UTILITIES CORPORATION

On July 26, 2003, this Commission received a copy of a letter dated July 25, 2003, from William Glenn Roy, Jr. to Martin S. Friedman (copy attached) objecting to the amendment filed in this Docket. On September 23, 2003, a letter was sent to Mr. Glenn Roy (copy attached) requesting that he advise this Commission by October 3, 2003, if he intended to pursue the objection. Attached to this memo is a copy of a fax from Mr. Glenn Roy stating that he does not want a formal hearing. PLEASE PLACE THIS INFORMATION IN THE ABOVE-REFERENCED DOCKET FILE. Thanks.

alc

Attachments

cc: Division of Economic Regulation (Johnson, Redemann)

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC L
OTH _____

DOCUMENT NUMBER-DATE

09188 SEP 25 03

FPSC-COMMISSION CLERK

WILLIAM GLENN ROY, JR., ESQUIRE
411 West Central Parkway
Altamonte Springs, FL 32714
(407) 869-6167
Fax (407) 869-9559

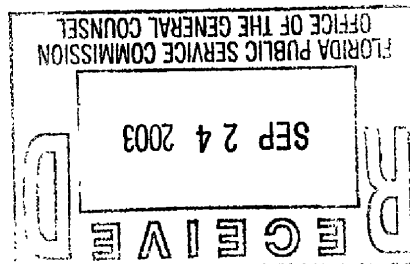
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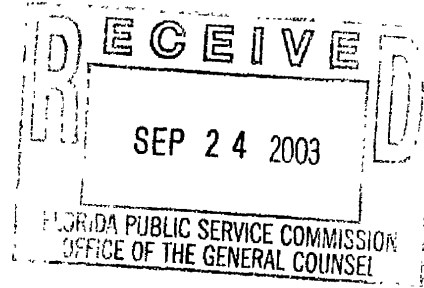
To: Alice Crosby Fax: (850) 413-6250
From: WGR Date: 9/24/03
Re: SANLANDO Pages: (2)
Whites

Urgent For Review Please Comment Please Reply

CONFIDENTIAL

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via U.S. Postal Service. We will reimburse you for postage. Thank you.





William Glenn Roy, Jr.
September 22, 2003

On page two of the notice, it states:

TO BE DELETED FROM WATER AND WASTEWATER CERTIFICATE

Township 21 South, Range 29 East, Seminole County, Florida.

Section 1

The North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 1, **less and except:**

The North 175 feet of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 1... (emphasis added)

Therefore, the utility is not adding and then deleting the same territory.

Further, when a utility provides notice of an application, it incurs certain expenses which will ultimately be borne by the customers. If the utility were to provide all of the information, you feel is necessary, including a plat map, additional unnecessary expense would be incurred. When a customer receives a notice and is unsure what it means, he should contact the utility for clarification.

As stated in the notice, "[a]ny objections to the Application must be made in writing and filed with the Director, Division of Commission Clerk and Administrative Services . . . with a copy to Martin S. Friedman . . ." If you choose to pursue your objection on behalf of your client, Diamondback Land Company, you must request a formal hearing as provided in Section 367.045(4), Florida Statutes, at which you will be required to provide testimony and other evidence to support your protest.

Please advise this Commission by October 3, 2003, if you intend to pursue the objection and wish to request a formal hearing. Your request should be made in writing and should be addressed to Blanca Bayo, Director, Division of Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. If we do not hear from you by October 3, 2003, we will assume that you do not wish to pursue the objection, and your letter will be placed in the Docket's correspondence file.

If you have any questions, please do not hesitate to call me at (850) 413-6222.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Alice Crosby".

Alice Crosby
Paralegal

9/24/03

I do not request a formal hearing, but the attorney for Sandhills never sent the documents he promised

 The initials "PC" are written inside a hand-drawn circle.

ALC:jb

cc: Martin Friedman, Esquire
Division of Commission Clerk and Administrative Services
Division of Regulatory Oversight (Johnson, Redemann)

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



CAPITAL CIRCLE OFFICE CENTER
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

Public Service Commission

September 22, 2003

CERTIFIED MAIL

No. 7002 0860 0001 1757 2729

William Glenn Roy, Jr.
Attorney At Law
411 West Central Parkway
Altamonte Springs, Florida 32714

Re: Docket No. 030667-WS - Application for amendment of Certificates Nos. 247-W and 189-S for extension of water and wastewater service area in Seminole County by Sanlando Utilities Corporation

Dear Mr. Roy:

We are in receipt of a copy of your letter dated July 25, 2003, to Martin S. Friedman, Attorney for Sanlando Utilities Corporation, regarding Sanlando's notice of application for extension and deletion of territory in Seminole County. According to your letter, you feel that the notice was deficient because it did not include a telephone number; did not identify the specific parcels belonging to property owners; did not include a plat map; and failed to include the complete address of the Florida Public Service Commission. You further stated that the notice added territory on one page and deleted it on another.

As discussed in our telephone conversation of August 6, 2003, the notice provided by Sanlando meets the provisions of Rule 25-30.030, Florida administrative Code, except that it failed to include a complete address for the Florida Public Service Commission. A copy of Rule 25-30.030, Florida Administrative Code, and the notice were faxed to you on August 6, 2003. The utility has since renoticed.

With regard to your concern that the notice indicated that the utility is adding territory and then turning around and deleting the same territory, please reread the notice. The notice states on page one:

TO BE ADDED TO WATER CERTIFICATE

Township 21 South, Range 29 East, Seminole County, Florida.

Section 1

The North 175 feet of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 1 and the North 50 feet of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 1.

William Glenn Roy, Jr.
September 22, 2003

On page two of the notice, it states:

TO BE DELETED FROM WATER AND WASTEWATER CERTIFICATE

Township 21 South, Range 29 East, Seminole County, Florida.

Section 1

The North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 1, **less and except:**

The North 175 feet of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 1... (emphasis added)

Therefore, the utility is not adding and then deleting the same territory.

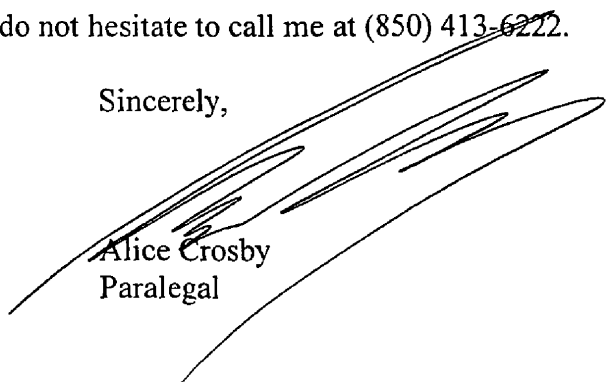
Further, when a utility provides notice of an application, it incurs certain expenses which will ultimately be borne by the customers. If the utility were to provide all of the information, you feel is necessary, including a plat map, additional unnecessary expense would be incurred. When a customer receives a notice and is unsure what it means, he should contact the utility for clarification.

As stated in the notice, “[a]ny objections to the Application must be made in writing and filed with the Director, Division of Commission Clerk and Administrative Services . . . with a copy to Martin S. Friedman . . .” If you choose to pursue your objection on behalf of your client, Diamondback Land Company, you must request a formal hearing as provided in Section 367.045(4), Florida Statutes, at which you will be required to provide testimony and other evidence to support your protest.

Please advise this Commission by October 3, 2003, if you intend to pursue the objection and wish to request a formal hearing. Your request should be made in writing and should be addressed to Blanca Bayo, Director, Division of Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. If we do not hear from you by October 3, 2003, we will assume that you do not wish to pursue the objection, and your letter will be placed in the Docket’s correspondence file.

If you have any questions, please do not hesitate to call me at (850) 413-6222.

Sincerely,



Alice Crosby
Paralegal

ALC:jb

cc: Martin Friedman, Esquire
Division of Commission Clerk and Administrative Services
Division of Regulatory Oversight (Johnson, Redemann)

ORIGINAL
WILLIAM GLENN ROY, JR.
ATTORNEY AT LAW
411 WEST CENTRAL PARKWAY
ALTAMONTE SPRINGS, FLORIDA 32714

TELEPHONE (407) 869-6167
FAX (407) 869-9559

July 25, 2003

RECEIVED
JUL 28 AM 10:52
COMMISSION
CLERK

Martin S. Friedman, Esquire
650 S. North Lake Blvd., Suite 420
Altamonte Springs, Florida 32701

Fax 407-830-8522

Re: Diamondback Land Co. v. Sanlando Utilities.

030667-WS

Dear Mr. Friedman:

This law firm represents Diamondback Land Company, recipient of one of your Notice of Application ... Water and Wastewater Service Area.

Your notice has caused me significant problems because you failed to include any telephone number on your correspondence; the address in the notice is different than that on the envelope, and neither you nor the names on the law firm are listed in the Florida Bar Journal. Are you licensed to practice law in the State of Florida?? If so how will anyone know??

Diamondback Land Company owns multiple parcel of real estate throughout the central Florida area. Your notice is deficient in that it lists several parcels by section, township and range, but fails to identify any specific parcel to Diamondback Land Company or to any other named property owner.

Your notice fails to state what services currently exist to Diamondback property, and specifically which water and wastewater service will be included or excluded.

Then the most fatal flaw of the notice is that on page one, you are adding property to the water certificate that on page two is being deleted from the water and the wastewater certificate.

- AUS _____
- CAF _____
- CMF _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

Based upon all of the above, I object to Sanlando Utilities Corporations Application, and request that you clean up your notice, identify property by owners' name and parcel identification number so that owners can figure out which property you are dealing with. Second, eliminate the confusion where you are adding and deleting the same property.

Further, send me a copy of a plat map or some other map to show the areas of service and the intended areas of deletion. And disclose to me where Sanlando Utilities is deleting wastewater service, what substitute service / facility will replace it on the certificate.

6765 JUL 26 2003
FPSO-COMMISSIONER CLERK

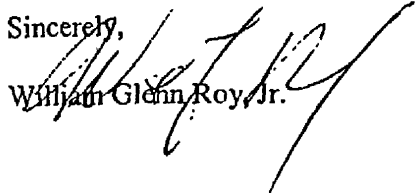
You may treat this letter as an official objection to your application, unless and until you are able to correct the deficiencies in the notice. I am forwarding a copy of this letter to:

Director, Division of Commission Clerk and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Just for clarification, because the above address contained in your letter omits disclosure, is this a division of what Department within the state government? If it is supposed to be to the Florida Public Service Commission, why don't you say so in the last paragraph where you direct the mailing of objections. This is another fatal deficiency.

All in all, your notice, failure to include proper addresses, and a phone number; coupled with the failure to specifically identify real estate parcel; demonstrates a very frustrating waste of time and material lack of professionalism from your office. This could be a very serious matter for property owners who are not educated enough to see your errors, and who could lose significant property rights because of your failure to properly notify them of your client's intentions.

Sincerely,


William Glenn Roy, Jr.

**NOTICE OF APPLICATION FOR AN
EXTENSION AND DELETION OF WATER AND WASTEWATER SERVICE AREA**

Notice is hereby given on July 25, 2003, pursuant to Section 367.045, Florida Statutes, of the application of Sanlando Utilities Corporation of its intent to apply to the Florida Public Service Commission to (1) extend its service area to provide water and wastewater service to the property described below in Seminole County, Florida, and (2) delete part of its wastewater service area to discontinue providing wastewater service to the property described below in Seminole County, Florida, as follows:

TO BE ADDED TO WATER CERTIFICATE

Township 21 South, Range 29 East, Seminole County, Florida.

Section 1

The North 175 feet of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 1 and the North 50 feet of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 1.

Section 2

The Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 2.

TO BE ADDED TO WASTEWATER CERTIFICATE:

A parcel of land being a portion of Sections 3 and 4, **Township 21 South, Range 29 East, Seminole County, Florida**, being more particularly described as follows:

Begin at the Southeast corner of Golfview Estates Section of Meredith Manor per the plat thereof as recorded in Plat Book 13, Page 20, Public Records of Seminole County, Florida; thence along the exterior Boundary of said Plat, the following (11) courses:

North 00°48' West, 171.93 feet; thence

North 01°03' East, 571.87 feet; thence

North 39°11' West, 276.79 feet; thence

North 76°10' West, 76.41 feet; thence

North 88°57' West, 136.21 feet; thence

North 01°03' East, 41.0 feet; thence

North 88°57' West, 160 feet; thence

South 01°03' West, 150 feet; thence

North 88°57' West, 110.0 feet; thence

North 01°03' East, 43.0 feet; thence

North 88°57' West, 176.0 feet; thence leaving said plat run Southwesterly to the Northeast corner of Gene Gables Section of Meredith Manor per the plat thereof as recorded in Plat Book 8, Page 93, Public Records of Seminole County, Florida;

thence along the Northerly boundary of said plat the following (2) courses:

West, 375.85 feet; thence

North 55° West, 540 feet more or less to the Easterly shore of Lake Brantley;

thence Northeasterly along said Lake Shore to a point on the South boundary of Shadow Bay Unit One per the plat thereof as recorded in Plat Book 24, Pages 99-100 Public Records of Seminole County, Florida; thence North 89°54'34" East, 810 feet more or less to the West

Right-of-Way of East Lake Brantley Drive; thence continue North 89°54'34" East on an Easterly extension of the afore-described line for a distance of 66.0 feet to the East Right-of-Way of East Lake Brantley Drive; thence North along said Right-of-Way to the North Right-of-Way of State Road No. 434; thence Westerly along said Right-of-Way to the POINT OF BEGINNING

TO BE DELETED FROM WATER AND WASTEWATER CERTIFICATE

Township 21 South, Range 29 East, Seminole County, Florida.

Section 1

The North ½ of the Northwest ¼ of the Southwest ¼ of said Section 1, less and except: The North 175 feet of the Northeast ¼ of the Northwest ¼ of the Southwest ¼ of Section 1 and the North 50 feet of the Northwest ¼ of the Northwest ¼ of the Southwest ¼ of said Section 1.

Section 2

The North ½ of the Northeast ¼ of the Southeast ¼ of Section 2 less and except: The North 50 feet of the Northeast ¼ of the Southeast ¼ of said Section 2.

Section 3

The Southwest ¼ of the Southeast ¼ of Section 3 lying South of State Road 434.

Section 11

That portion of the West ½ of Section 11 lying West of Interstate 4.

Any objections to the Application must be made in writing and filed with the Director, Division of Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with a copy to Martin S. Friedman, Esquire, Rose, Sundstrom & Bentley, LLP, 600 South North Lake Boulevard, Suite 160, Altamonte Springs, Florida 32701, within thirty (30) days from the date of this notice. The objection must state the grounds for the objection with particularity.

Sanlando Utilities Corporation