

State of Florida



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

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**DATE:** October 12, 2004  
**TO:** Division of the Commission Clerk and Administrative Services  
**FROM:** Division of Economic Regulation (Brady) pb PD  
**RE:** Docket No. 020640-SU, Application for certificate to provide wastewater service in Lee County by Gistro, Inc.

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Please add to the docket file the attached letter dated October 6, 2004, from Kathryn Cowdery, Esq., to Pat Brady, Commission staff. The letter is in response to staff's request for an update on completion of the application.

Attachment

cc: Division of Economic Regulation (Redemann, Kaproth)  
Office of the General Counsel (Gervasi)  
Division of the Commission Clerk and Administrative Services

DOCUMENT NUMBER-DATE

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(850) 412-2000  
FAX: (877) 604-5230  
KATHRYN.COWDERY@RUDEN.COM

October 6, 2004

Pat Brady  
Regulatory Analysis  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Via E-mail and U.S. Mail

Re: PSC Dkt. 020640: Application for certificate to provide wastewater service in Lee County by Gistro, Inc.

Dear Ms. Brady:

This letter responds to your request for certain information relative to this docket.

The status of the application

1. PSC Staff previously asked for federal tax returns, to the extent they are available, for Forest Mere Joint Venture, Inc. (1989-1995). Mr. Holzberg through his accountant has requested these federal tax returns from the IRS on two occasions, but has not yet received them.
2. Staff has requested title insurance for the real property upon which the utility facilities are located. Please refer to the Attorney's Title Affidavit filed in this docket by Mr. Holzberg's letter of June 16, 2003. See also the October 7, 2002 letter from Robert Burandt, Esq., filed in this docket.
3. Personal financial statement prepared by a professional to evidence that the utility will have access to financial backing, accompanied by a pledge to continue to provide financial backing on behalf of the utility. Please use the financial statement and income statement previously supplied by Mr. Holzberg in this docket.

The status of any pending litigation regarding ownership of the lines

I am awaiting a litigation status update from Mr. Holzberg's litigation attorney and will provide this information to you as soon as I receive it. My most recent information from Mr. Holzberg is that the case is pending in court.

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Cost study supporting proposed rates and charges with sample tariff.

Mr. Holzberg has discussed this matter with a utility rate consultant. Conducting a cost study of the type requested would be cost prohibitive in this case. Mr. Holzberg requests that Staff use the cost information which he has previously submitted in this docket to determine appropriate rates and charges.

Thank you for your assistance in this matter.

Sincerely,



Kathryn G.W. Cowdery

Cc: Patti Daniel (via E-Mail)  
Rosanne Gervasi, Esq. (via E-Mail)  
Robert Burandt, Esq. (via E-Mail and U.S. Mail)  
J. Fritz Holzberg (via U.S. Mail)