

ORIGINAL

State of Florida



Public Service Commission

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

RECEIVED-FPSC

MAY 31 PM 3: 53

COMMISSION  
CLERK

-M-E-M-O-R-A-N-D-U-M-

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**DATE:** May 31, 2005

**TO:** Lee Fulcher, Commission Deputy Clerk I, Commission Clerk & Administrative Services

**FROM:** Shannon J. Hudson, Regulatory Analyst IV, Division of Economic Regulation *SJH*

**RE:** Docket No. 030191-SU - Complaint against K W Resort Utilities Corp. by Historic Seaport District, Inc. d/b/a Hurricane Hole Marina regarding capacity reservation fees in Monroe County.

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Please incorporate the attached document into the above docket.

/sh

- CWP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC   |
- YTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

05269 MAY 31 08

FPSC-COMMISSION CLERK

# HISTORIC SEAPORT DISTRICT, INC.

Db a Hurricane Hole Marina

REC'D  
05 MAY 31 11:10:50  
COMMUNICATIONS

05 MAY 31 11:10:50

Mr. Troy Rendell  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 030191-SU- Complaint against KW Resort Utilities Corp. by  
Historic Seaport District, Inc. d/b/a Hurricane Hole Marina regarding sewer  
capacity reservation fees in Monroe County

VIA FACSIMILE (850)413-6935 and U.S. Mail

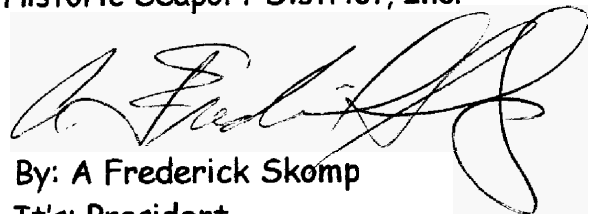
Dear Mr. Rendell

May 26, 2005

Due to a diligent effort on your part, we wish to dismiss our complaint as  
referenced above. KW resort Utilities Corp. and Historic Seaport District,  
Inc. have resolved the issues in the above referenced complaint by agreeing  
to a total of 22.5 ERC's, as a capacity reservation fee (Agreement attached).

Thank you for your help in this matter.

Sincerely,  
Historic Seaport District, Inc.



By: A Frederick Skomp  
It's: President

**AMENDMENT TO UTILITY AGREEMENT AND SETTLEMENT AGREEMENT**

This Amendment to Utility Agreement and Settlement Agreement ("Agreement") dated as of the 5<sup>th</sup> day of May, 2005, by and between K.W. Resort Utilities Corp. a Florida Corporation, (Service Company), and Historic Seaport District Inc. d/b/a/ Hurricane Hole Marina (Developer).

**Recitals:**

Whereas, Developer and Service Company entered into a Utility Agreement dated the 28<sup>th</sup> day of April 2003,

Whereas Developer filed a complaint against K.W. Resort Utilities Corp. with Florida Public Service Commission, docket No. 030191-SU;

Whereas the parties wish to amend said Agreement and to settle all matters and disputes between the parties.

Now therefore, in consideration of Ten Dollars (\$10.00), and the mutual covenants and agreements hereinafter set forth, and intending to be legally bound hereby, it is agreed as follows

1. Paragraph 6 (b) is hereby amended and the total number of ERC's shall be 22.5
2. Paragraph 6 (c) is amended to reflect a total payment due of \$60,750.00. The Service Company has previously received \$34,245.00. Developer shall pay the balance of \$26,505.00 to the service company within 30 days of execution of this agreement, unless the County Commission or its authorized agent permits such payment to be made in installments. *As the absence of County action will be made immediately.*
3. Developer hereby agrees to dismiss its Complaint against K.W. Resor. Utilities Corp. currently pending with the Florida Public Service Commission, docket No. 030191-SU.

*Handwritten signature and the word "payor" written next to it.*

IN WITNESS WHEREOF, the Service Company and the Developer have executed this agreement this 26<sup>th</sup> day of May, 2005

SERVICE COMPANY:

K.W. RESORT UTILITIES CORP.

*Handwritten signature*  
By: \_\_\_\_\_

DEVELOPER:

HISTORIC SEAPORT DISTRICT INC.  
d/b/a HURRICANE HOLE MARINA

*Handwritten signature*  
By: Fred Skornp