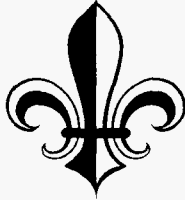


ORIGINAL



Suzan R. Fritze
11522 Forest Mere Drive
Bonita Springs, FL 34135
239-495-3559
Facsimile: 239-947-4338
Email: sfritze@msn.com

RECEIVED-FPSC
15 AUG 12 AM 9:24
COMMISSION
CLERK

August 7, 2005

020640-SU

Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0870

Dear Director and Commissioners:

I am writing this letter to file a formal objection to the application for authorization, filed by Gistro, Inc., with the principal owner, Mr. Fritz Holzberg. As this is a closely held corporation, with little other utility operating experience, I would ask you to consider this an authorization for Mr. Holzberg, the principal of this organization, unless my research is in error and Gistro, Inc. has held other such authorizations for similar operations. The character and other business experience and reputation of Mr. Holzberg should thus be a consideration.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC 1
- OTH KimP.

Mr. Holzberg has been involved in various schemes in the Bonita Preserve/Forest Mere/Spring Lakes development for a number of years. I would hope that you have thoroughly researched this, including the possibly fraudulent manner in which the assets of this utility, including the property, plant and equipment, may have been obtained by Mr. Holzberg or his corporation. This may have included misrepresentation in a bankruptcy proceeding. This also appears to involve the transfer of assets, including real property, from "Forest Mere J.V." to "Gistro I.N.C." in March 2002. This particular transaction is in question as there are no legal entities with these names, and an entity named Forest Mere Joint Venture, Inc. was legally voluntarily dissolved in 1995. It appears Mr. Holzberg continued to act, in 2002, through a corporate entity which was no longer legally in business and transact the transfer of property many years after its dissolution.

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These actions have the appearance of misrepresentation and possibly fraud. In association with this transaction, Mr. Holzberg may have filed, or caused to be filed, documents which contain an error in the legal description of the property, such error grossly overstating the subject property. I would suggest that such actions are not appropriate for a prudent business operation.

Additionally, I would ask that you receive satisfactory evidence of this firm's ability to properly measure or meter, bill, and provide customer service. Those should be at least equal to the level of such services that are currently provided by Bonita Springs Utilities, Inc. (BSU). I currently pay a sewer charge to BSU and would not want this charge to be duplicated by this new entity seeking your authorization.

The sewer services that have been provided, in the past 14 months, since I have lived at the address set forth above in the letterhead, have been unsatisfactory on several occasions. The first incident was at the time of Hurricane Charley. We were very lucky in this neighborhood to have minimal damage and to have been without electric power for only about 5 hours. Despite the fact that the power was off for only that short time, we did not have proper sewer services for a number of days. As I was new to the area, it took several calls and e-mails before I could find anyone responsive to my concerns about sewage backing up through the "sanitary" sewer covers in the streets in this development. Once I did reach Mark Johnson in Lee County, with the Florida DEP by e-mail, he came out, inspected the sire and was able to contact a company to correct the problems. (I am attaching a 2 page copy of the e-mails I had with Mr. Johnson. Recall that Hurricane Charley was in this area on 8/13/04 and this was a week later before this matter was resolved.) It is unacceptable that this problem was undetected by Mr. Holzberg, or others acting at his direction or under contract to provide service, on a timely basis. I do not believe this should go on for days when this is an issue of public health. Talking with several other neighbors at the time (including a couple members of the homeowners' association board), was no help; none of them knew how to contact the operator of the sewer system.

Since that time, there have been several occasions, usually after there are heavy rainfalls, that I noticed (when I walked my dog) there is odorous water and bubbles that come out at the sewer covers in the street. This has the appearance of a neglected, sub-standard operation. This, combined with the experience last year with the hurricane, causes me to be concerned that the applicant does not have adequate operating experience, does not have adequate staffing available to perform regular monitoring of he operations, and apparently does not have an adequate (or effective) emergency or disaster plan in place for this business.

Further, since January 2005, there have been occasions where the lift station across the street from 11560 Red Hibiscus has had a door to the pit area(?) left up/open, and/or, electrical cords may be strung around. If the owner, or those acting at his direction, have not done this, then they have let vandals access this equipment. There is no fencing or

other manner of limiting access at this station, which is of concern, especially when the metal door to the pit area is open. This could be potentially hazardous to children or animals, as well as provide an easy opportunity for sabotage of the facility. In addition to considering such a careless manner of managing this equipment, I would expect that your review of this application has considered whether both the liability and property insurance coverage held by the applicant is sufficient. I am concerned that if the insurance carrier knew how this property is sometimes left, such insurance coverage might be cancelled.

This inability to manage the existing facilities, or to provide adequate customer service, should provide evidence of the inability of Mr. Holzberg, or the corporate entity under his direction/management, to provide adequate utility sewer service for he is seeking authorization. I am concerned that there may not have been necessary maintenance of the existing plant and equipment, and that the applicant, instead of maintaining these assets on a timely basis, may seek to rectify that, and cover the past neglect through a special assessment or rate increase once the authority is granted

For the specific reasons set forth above, I ask that the application of Gistro, Inc. be denied.

For the record, please note that I have anecdotal evidence that, in the past, Mr. Holzberg, when he has had reason to be upset with an individual property owner in this development, has tried to retaliate. I do not know the facts of each such instance, but his actions appear to indicate an arbitrary and capricious nature rather than that of one experienced in a service or utility business. I have been told that Mr. Holzberg has made threats to withhold utility service. I have no idea if this is possible, as I am not familiar with the manner in which the sewer lines are connected to a property, but such actions by Mr. Holzberg certainly could be intimidating and expensive to contend with should one need to employ legal counsel. Note that I am concerned that by filing this letter, I may become a target for similar actions by Mr. Holzberg, or others acting at his direction.

Sincerely,

A handwritten signature in black ink, appearing to read 'Suzan R. Fritze', with a horizontal line above the name.

Suzan R. Fritze

cc: Kathryn G.W. Cowdery
Ruden, McClosky
215 South Monroe Street, Ste. 815
Tallahassee, FL 32301

Suzan R Fritze

From: "Johnson, Mark" <Mark.Johnson@dep.state.fl.us>
To: <sfritze@msn.com>
Cc: "Ahmadi, Abdul" <Abdul.Ahmadi@dep.state.fl.us>; "Kleinmann, Keith" <Keith.Kleinmann@dep.state.fl.us>; "Iglehart, Jon" <Jon.Iglehart@dep.state.fl.us>
Sent: Friday, August 20, 2004 4:07 PM
Subject: RE: Please provide some information or assistance

Ms. Fritze,

A site visit was conducted this morning to the Bonita Preserve neighborhood. While in the area, I observed overflows from the sanitary sewer collection system. As a result of my findings, I contacted Graley Mechanical, Inc. who services the sanitary sewer collection system. Roy Graley arrived on-site at 11:30AM to investigate the situation. I spoke to Mr. Graley again at 3:30PM and he indicated that there was an electrical problem causing the pump station to malfunction. Mr. Graley had contacted the electric company to correct the problem. In addition, Mr. Graley was instructed to spread lime in the areas that were impacted by the overflows. Feel free to contact me with any further questions.

Mark Johnson, ESIII
FDEP South District
Domestic Wastewater Compliance and Enforcement
239-332-6975 ext. 117
239-332-6969 Fax
SC 748-6975 ext. 117

-----Original Message-----

From: Kleinmann, Keith
Sent: Friday, August 20, 2004 8:06 AM
To: Johnson, Mark
Subject: FW: Please provide some information or assistance

Please see me on this. This is Mr.. Fritz Holtzberg again.

-----Original Message-----

From: Ahmadi, Abdul
Sent: Friday, August 20, 2004 8:00 AM
To: Davault, Charles
Cc: Kleinmann, Keith
Subject: FW: Please provide some information or assistance

Keith:

*Please call BSU to lend assistance and let Ms. Frize know. Give an update.
Thanks, AA.*

-----Original Message-----

From: Iglehart, Jon
Sent: Friday, August 20, 2004 7:55 AM
To: Ahmadi, Abdul
Subject: FW: Please provide some information or assistance

-----Original Message-----

From: Suzan R Fritze [mailto:sfritze@msn.com]

Sent: Thursday, August 19, 2004 8:51 PM

To: Iglehart, Jon

Subject: Please provide some information or assistance

I live in Bonita Springs (Lee County). I moved here June 1, 2004. Since Hurricane Charley, the manholes (marked "Sanitary Sewer") in the Bonita Preserve neighborhood I reside in have been bubbling up sewage. I live at 11522 Forest Mere Dr. (Bonita Springs, FL 34135) and the closest manhole where this is a problem is several houses away (in front of what I believe is 11506 Forest Mere Dr.). This sewage runs across the street and into the swale in front of the property. This is also occurring at several other locations in this development.

I attended a homeowners' association (there are approx 140 homeowners) meeting tonight (8/19/04) and it was suggested that your office might be of some assistance in this matter. It is my understanding that the sewer system in this area is owned by an individual (although there apparently is a lawsuit in that regard). I certainly do not understand how an individual can own a utility but regardless, I am hoping that your office might either be able to take corrective action or force the appropriate individual or utility to correct this problem.

If you are not able to provide assistance, please provide information as to whom I should contact to receive assistance with this problem, which certainly would appear to have both health and environmental issues.

Thank you.

Suzan R. Fritze
11522 Forest Mere Dr.
Bonita Springs FL 34135

Telephone: 239-495-3559
Facsimile: 239-947-4338