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January 31, 2006

By Electronic Filing

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk
and Administration Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0880

Re: Docket No. 030458-WU: Amended And Restated Application For Transfer Of Majority Organizational Control And Amendment To Certificate

Dear Ms. Bayo:

Pursuant to discussions with Commission staff, this letter is being filed as an amendment to the pending application for transfer in the above-referenced docket to notify the Commission of the deletion of a certain portion of the service area of Holiday Utility Company, Inc. ("Holiday"). This request for deletion is being made pursuant to an agreement entered by Holiday with a developer known as Gulf Winds, LLP ("Developer") pursuant to which Holiday relinquished its right to provide water service to the deleted area and agreed to permit Pasco County ("Pasco" or "County") to provide such service in the area.

This agreement was necessitated by the actions of the Pasco County Utility Department pursuant to which the Utility Department refused to provide wastewater service to the area to be deleted unless the Developer also agreed to permit the Pasco County Utility Department to provide water service to such area. Developer soon thereafter discovered that the Pasco County Board of County Commissioners would not consent to the Developer building homes on the property unless the Developer could establish that central water and wastewater service was available. This placed the developer in an untenable situation.

Holiday attempted to settle this dispute between Developer and Pasco County by offering to apply to the Florida Public Service Commission for a certificate authorizing Holiday to provide wastewater service to the area in question. However, the Pasco County Utility's Department notified Holiday that the Utilities Department would object to the issuance by the Florida Public Service Commission of a certificate of authority authorizing Holiday to provide wastewater to the area. In an effort to obtain the necessary development approval from the County, Developer approached Holiday with an offer to pay Holiday a certain sum in consideration for Holiday's agreement to delete the territory from the Holiday service area and relinquish the right to provide water service to the County. Having received threats from

Developer of legal action, Holiday and the County met with the Developer in an attempt to resolve this issue. The resolution is demonstrated in the agreement between Holiday and the Developer which is attached hereto as Exhibit A.

The area to be deleted from the Holiday service area is raw land and, therefore, no customer is served in the area. The deletion of the area will have no effect on any existing customer. Approval of the proposed deletion, however, permits Developer to develop the land and permits future customers to receive both water and wastewater service from Pasco.

As demonstrated by the previous filings in this docket, there is a dispute as to the exact boundaries of the service area which Holiday is authorized to serve. It was only upon Holiday's filing of an application for transfer in this docket that Commission Staff noted that the legal description for the authorized water service area contained in Holiday's tariff and thus provided by Holiday in the transfer filing (the "De Facto Service Area") did not match the legal description contained in the Commission's order number 6780 dated July 17, 1975 in Docket No. 73489-W (the "Order Service Area").

Prior to this discovery, all parties, including the Commission, had believed that the De Facto Service Area was the authorized service area of Holiday. The De Facto Service Area was the area described in the Utility's application for an original certificate of authority in Docket No. 73489-W. The De Facto Service Area is the area identified in the Utility's tariff. The De Facto Service Area was recognized by the Commission as being Holiday's service area subsequently in 1977, in Order No. 8080 dated December 5, 1977 (the "Territory Deletion Order"). Of particular note, the territory which the Commission deleted from Holiday's service area was an area not identified in the Order Service Area but which lies within the De Facto Service Area.

Holiday also possesses documentary evidence confirming that the Southeast Florida Water Management District and other entities always have conducted themselves in such fashion as to demonstrate their belief that Holiday was authorized to provide service within the De Facto Service Area. To further substantiate the validity of this belief, the Commission should be aware that the Mickler Family was both the original applicant for the certificate of authority as well as the owner of the land comprising the entire De Facto Service Area. The Mickler Family also is the owner of land which the Pasco County Utilities Department now objects to being included in Holiday's service area. Holiday hereby agrees with Commission Staff's suggestion that this matter be addressed by the Commission in two phases. In the first phase, the Commission will consider approval of the undisputed portion of Holiday's service area (the Order Service Area less Gulf Winds). In the second phase, the Commission will conduct a hearing and receive evidence concerning the additional territory which Holiday believes it currently possesses the de facto right to serve.

Holiday has been unable to locate any document indicating in any way that the Commission had not intended to grant Holiday the authority to provide water service for the entire De Facto Service Area.

Attached as Exhibit B is a legal description of the Order Service Area approved by the Commission in Order No 6780. Attached as Exhibit C is a legal description of the Gulf Winds territory proposed to be deleted from the Order Service Area. Attached as Exhibit D is a legal

description of the Order Service Area less the proposed deleted Gulf Winds territory. Attached as Exhibit E a legal description indicating the entire service area for which Holiday requests authority to serve in this docket.

Attached as Exhibit F are copies of affidavits confirming notices of Holiday's filing of the application in this docket were provided as required pursuant to Commission Rule 25-30.030, F.A.C.

Additional information is provided below in response to the letter dated January 19, 2006 from Commission Staff to Holiday.

Deficiency 1: A copy of the requested title insurance is attached hereto as Exhibit G.

Deficiency 2: Holiday will provide notice to the entities described above within 7 days of the filing of this letter and provide an affidavit confirming such notice within 15 days of the date of this letter, as required by Commission Rule.

Deficiency 3: The requested territory descriptions are provided in Exhibits B, C, and D, referred to earlier in this letter. Electronic versions of these descriptions have been filed with Commission Staff.

Deficiency 4: The requested information is provided earlier in this letter.

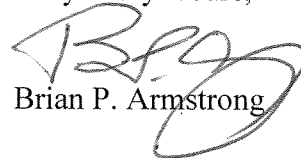
Other Required Information:

1. The only customer being served by Holiday which is located outside of the Order Service Area is a Pasco County public school. Holiday does not know when the school was built or connected to the Holiday system, but estimates that it was over 15 years ago. Holiday has served the school since its construction and the school was being served by the prior owner of Holiday. The school is located in the Tariff Service Area which all parties believed was Holiday's authorized service area until this transfer docket. The school is served by a 3 inch meter and the amount of CIAC collected from the school is unknown to Holiday. For the reasons indicated in this letter, Holiday request that the Commission refrain from issuing a show cause order as the facts presented in this letter remain undisputed.
2. Attached as Exhibit H are an original and two copies of tariff sheets providing a legal description of the proposed service area requested by Holiday in this docket which reflects the deletion of the Gulf Winds service area.
3. Holiday's agreement with Gulf Winds is attached as Exhibit A to this letter.

Finally, attached as Exhibit I is the affidavit of Mr. Gary Deremer, President of Holiday, as required by Commission rules.

Please acknowledge receipt of this filing by reply to this e-mail. Thank you.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'BPA', is written over the typed name. The signature is stylized and somewhat cursive.

Brian P. Armstrong

cc: Joseph Richards, Esq.