

LAW OFFICES

ROSE, SUNDSTROM & BENTLEY, LLP

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ROBERT M. C. ROSE, (1924-2006)

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MARTIN S. FRIEDMAN, P.A.  
VALERIE L. LORD  
BRIAN J. STREET

July 31, 2006

VIA HAND DELIVERY

Blanca S. Bayo, Director  
Commission Clerk & Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RE: Docket No. 060520  
Application for Transfer of Majority Organizational Control of Town and Country Utilities  
Company

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are an original and 15 copies of

1. Late-Filed Exhibit C  
Affidavit of Notice
2. Late-Filed Exhibit D  
Affidavit of Notice to Customers

Please stamp and return a copy of this letter to my office acknowledging its receipt.

Sincerely



Wayne L. Schiefelbein  
Of Counsel

WLS/dcr  
Enclosure

DOCUMENT NUMBER-DATE

06831 JUL 31 06

FPSC-COMMISSION CLERK

**LATE-FILED EXHIBIT C**

AFFIDAVIT OF NOTICE

STATE OF FLORIDA

COUNTY OF LEON

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared Wayne L. Schiefelbein, who after being duly sworn on oath, did depose that on the 28<sup>th</sup> of July, 2006, under his direction and supervision, a copy of the notice attached hereto was sent by First Class U.S. Mail to each of the utilities and governmental authorities set forth on the list provided by the Florida Public Service Commission, which is also attached hereto.

FURTHER AFFIANT SAYETH NAUGHT.

Wayne L. Schiefelbein

Sworn to and subscribed before me this 31<sup>st</sup> day of July, 2006, by Wayne L. Schiefelbein, who is personally known to me.

Jacquelyn M. Tribble  
NOTARY PUBLIC  
Print name: Jacquelyn M. Tribble  
My Commission Expires:



Jacquelyn M. Tribble  
MY COMMISSION # DD203915 EXPIRES  
June 5, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.

## LEGAL NOTICE

Notice is hereby given on July 28, 2006, pursuant to Section 367.071, Florida Statutes, of the application for a transfer of majority organizational control of Town and Country Utilities Company from Babcock Florida Company to MSKP III, Inc. under a Merger, after which Babcock Florida Company will be the surviving entity. Town and Country Utilities Company is authorized to provide water service to the following described territory in Charlotte and Lee Counties, Florida.

All of Sections 1 through 36, Township 41 South, Range 26 East, Charlotte County, Florida. Less road right-of-way for S. R. 31 and C. R. 74.

AND

All of Sections 1 through 36, Township 42 South, Range 26 East, Charlotte County, Florida. Less road right-of-way for S. R. 31.

AND

All of Sections 1 through 19, Township 41 South, Range 27 East, Charlotte County, Florida.

AND

All of Sections 1 through 11, the west ½ of Section 12, and all of Sections 13 through 36, Township 42 South, Range 27 East, Charlotte County, Florida.

AND

All of Sections 1 through 7, the west ½ of Section 9, and all of Section 12, Township 43 South, Range 26 East, Lee County, Florida. Less the road right-of-way for S. R. 31 and C. R. 78.

AND

All of Sections 4 through 8, Township 43 South, Range 27 East, Lee County, Florida.

AND

Section 9, Township 43 South, Range 27 East, Lee County, Florida. Less the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of 9-43-27.

AND

The Northwest  $\frac{1}{4}$  and the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 17, Township 43 South, Range 27 East, Lee County, Florida.

AND

The North  $\frac{1}{2}$  of Section 18, Township 43 South, Range 27 East, Lee County, Florida.

Any objection to the said application must be made in writing and filed with the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to counsel to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

John R. Jenkins, Esquire  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW

STATE OF FLORIDA



TIMOTHY DEVLIN, DIRECTOR  
DIVISION OF ECONOMIC REGULATION  
(850) 413-6900

## Public Service Commission

June 15, 2006

Mr. Wayne L. Schiefelbein, Esquire  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32779

Re: Noticing List for Charlotte, Glades and Lee Counties for the Application of Transfer of Town and Country Utility Company in Charlotte and Lee Counties, Florida.

Dear Mr. Schiefelbein:

Enclosed is the list of water and wastewater utilities and governmental/regulatory agencies in the above-mentioned counties. Please refer to Commission Rule 25-30.030, Florida Administrative Code, for the noticing requirements. Noticing must be done in the proper format, consistent with the rule. If your notice is not in the proper format, you will be required to renotice and your application will be delayed. Instructions for preparation of a territory description are available upon request.

Please note that if your county list includes two Department of Environmental Regulation offices or two Water Management District offices, you must identify which is the proper district office for your notice.

You will note that the county list is dated and is valid for sixty days from that date. If you have not performed the noticing by this date, you must request an updated list.

If you have any questions, please contact the undersigned at (850) 413-6900.

Sincerely,

Handwritten signature of Richard Redemann in cursive.

Richard Redemann, P.E.

RR:kb

Enclosures 2

C:\MsWord\County List 24 Town.doc

**LIST OF WATER AND WASTEWATER UTILITIES IN CHARLOTTE COUNTY  
(VALID FOR 60 DAYS)  
06/15/2006 - 08/13/2006**

UTILITY NAME

MANAGER

CHARLOTTE COUNTY

BOCILLA UTILITIES, INC. (WU744)  
7025-A PLACIDA ROAD  
ENGLEWOOD, FL 34224-8758

R. CRAIG NODEN  
(941) 697-2000

LAKE SUZY UTILITIES, INC. D/B/A AQUA UTILITIES FLORIDA, IN (WS798)  
% AQUASOURCE, INC.  
6960 PROFESSIONAL PARKWAY EAST  
SARASOTA, FL 34240-8428

NANCE GUTH  
(941) 907-7411

LITTLE GASPARILLA WATER UTILITY, INC. (WU838)  
P. O. BOX 5145  
GROVE CITY, FL 34224-0145

JOHN R. BOYER  
(941) 626-8294

MSM UTILITIES, LLC (WS891)  
9696 BONITA BEACH ROAD, SUITE 210  
BONITA SPRINGS, FL 34135-8504

BEN J. MALTESE  
(239) 444-1444

NHC UTILITIES, INC. (WU796)  
TWO NORTH RIVERSIDE PLAZA, SUITE 800  
CHICAGO, IL 60606-2682

NANCY REYNOLDS  
(312) 279-1480

TOWN AND COUNTRY UTILITIES COMPANY (WU811)  
2220 PALMER STREET  
PITTSBURGH, PA 15218-2603

RICHARD S. CUDA  
(941) 639-3958

UTILITIES, INC. OF SANDALHAVEN (SU809)  
200 WEATHERSFIELD AVENUE  
ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN  
(407) 869-1919

**LIST OF WATER AND WASTEWATER UTILITIES IN CHARLOTTE COUNTY  
(VALID FOR 60 DAYS)  
06/15/2006 - 08/13/2006**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

BOARD OF COUNTY COMMISSIONERS, CHARLOTTE COUNTY  
CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE, ROOM 536  
PORT CHARLOTTE, FL 33948-1094

CLERK OF THE CIRCUIT COURT, CHARLOTTE COUNTY  
CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE, ROOM 423  
PORT CHARLOTTE, FL 33948-1094

DEP SOUTH DISTRICT  
2295 VICTORIA AVE., SUITE 364  
FORT MYERS, FL 33901

MAYOR, CITY OF PUNTA GORDA  
326 WEST MARION AVENUE  
PUNTA GORDA, FL 33950-4492

S.W. FLORIDA REGIONAL PLANNING COUNCIL  
1926 VICTORIA AVENUE  
FT. MYERS, FL 33901

S.W. FLORIDA WATER MANAGEMENT DISTRICT  
2379 BROAD STREET  
BROOKSVILLE, FL 34609-6899

SO. FLORIDA WATER MANAGEMENT DISTRICT  
P.O. BOX 24680  
WEST PALM BEACH, FL 33416-4680



**LIST OF WATER AND WASTEWATER UTILITIES IN CHARLOTTE COUNTY  
(VALID FOR 60 DAYS)  
06/15/2006 - 08/13/2006**

UTILITY NAME

MANAGER

STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL  
C/O THE HOUSE OF REPRESENTATIVES  
THE CAPITOL  
TALLAHASSEE, FL 32399-1300

DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

**LIST OF WATER AND WASTEWATER UTILITIES IN GLADES COUNTY  
(VALID FOR 60 DAYS)  
06/15/2006 - 08/13/2006**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CLERK, BOARD OF COUNTY COMMISSIONERS, GLADES COUNTY  
P. O. BOX 10  
MOORE HAVEN, FL 33471-0010

DEP SOUTH DISTRICT  
2295 VICTORIA AVE., SUITE 364  
FORT MYERS, FL 33901

MAYOR, CITY OF MOORE HAVEN  
P. O. BOX 399  
MOORE HAVEN, FL 33471-0399

S.W. FLORIDA REGIONAL PLANNING COUNCIL  
1926 VICTORIA AVENUE  
FT. MYERS, FL 33901

SO. FLORIDA WATER MANAGEMENT DISTRICT  
P.O. BOX 24680  
WEST PALM BEACH, FL 33416-4680

**LIST OF WATER AND WASTEWATER UTILITIES IN GLADES COUNTY  
(VALID FOR 60 DAYS)  
06/15/2006 - 08/13/2006**

UTILITY NAME

MANAGER

STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL  
C/O THE HOUSE OF REPRESENTATIVES  
THE CAPITOL  
TALLAHASSEE, FL 32399-1300

DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY  
(VALID FOR 60 DAYS)  
06/15/2006 - 08/13/2006**

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>LEE COUNTY</u>	
AQUASOURCE UTILITY, INC. D/B/A AQUA UTILITIES FLORIDA, INC (SU821) % AQUASOURCE, INC. 6960 PROFESSIONAL PARKWAY EAST SARASOTA, FL 34240-8428	NANCE GUTH (941) 907-7411
BAYSHORE UTILITIES, INC. (WU013) 2259 CLUBHOUSE ROAD NORTH FT. MYERS, FL 33917-2523	WAYNE CARSON WAMPLER (239) 482-4024
BE UTILITY SYSTEMS, L.L.C. D/B/A BUCCANEER WATER SERVICE (WU730) % MANUFACTURED HOME COMMUNITIES, INC. 2 NORTH RIVERSIDE PLAZA, SUITE 800 CHICAGO, IL 60606-2682	HELMA REYNOLDS (239) 995-3337
DEL TURA PHASE I, LLC D/B/A DEL TURA UTILITIES (SU315) 18621 NORTH TAMIAMI TRAIL NORTH FORT MYERS, FL 33903-1308	D. J. PAYNE (239) 731-3433
ENVIRONMENTAL PROTECTION SYSTEMS OF PINE ISLAND, INC. (SU287) 3039 YORK ROAD ST. JAMES CITY, FL 33956-2303	KEVIN J. CHERRY (239) 283-1144
FOREST UTILITIES, INC. (SU293) 6000 FOREST BLVD. FT. MYERS, FL 33908-4318	DAVID SWOR (239) 481-0111
FOUNTAIN LAKES SEWER CORP. (SU572) 523 SOUTH EIGHTH STREET MINNEAPOLIS, MN 55404-1078	MARY JO KELLY (612) 332-7281
HUNTER'S RIDGE UTILITY CO. OF LEE COUNTY (SU674) 12500 HUNTERS RIDGE DRIVE BONITA SPRINGS, FL 34135-3401	DON HUPRICH (239) 992-4900
MOBILE MANOR WATER COMPANY, INC. (WU167) 150 LANTERN LANE NORTH FORT MYERS, FL 33917-6515	CAROL JULIUS (239) 543-2160
NORTH FORT MYERS UTILITY, INC. (SU317) P. O. BOX 2547 FT. MYERS, FL 33902-2547	JACK SCHENKMAN (239) 543-1005 OR -1808
NORTH FORT MYERS UTILITY, INC. (WU834) P. O. BOX 2547 FT. MYERS, FL 33902-2547	JACK SCHENKMAN (239) 543-1005 OR -1808

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY  
(VALID FOR 60 DAYS)  
06/15/2006 - 08/13/2006**

UTILITY NAME

MANAGER

LEE COUNTY

PINE ISLAND COVE HOMEOWNERS ASSOCIATION, INC. (SU724)  
7290 LADYFISH DRIVE  
ST. JAMES CITY, FL 33956-2723

PAUL WILLIAMS  
(239) 283-3100

SANIBEL BAYOUS UTILITY CORPORATION (SU331)  
300 71ST STREET, SUITE 303  
MIAMI BEACH, FL 33141-3038

SCHAEFFER UTILITY MANAGEMENT  
(239) 489-4779

SPRING CREEK VILLAGE, LTD. (WS234)  
P. O. BOX 6966  
FT. MYERS, FL 33911-6966

DENNIS M. WALTCHACK  
(239) 992-3800 936-8888

TAMIAMI VILLAGE WATER COMPANY, INC. (WU740)  
9280-5 COLLEGE PARKWAY  
FT. MYERS, FL 33919-4848

JOHN J. USTICA  
(239) 482-0717

USEPPA ISLAND UTILITY, INC. (WS249)  
P. O. BOX 640  
BOKEELIA, FL 33922-0640

VINCENT FORMOSA  
(239) 283-1061

UTILITIES, INC. OF EAGLE RIDGE (SU749)  
200 WEATHERSFIELD AVENUE  
ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN  
(407) 869-1919

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY  
(VALID FOR 60 DAYS)  
06/15/2006 - 08/13/2006**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, LEE COUNTY  
P. O. BOX 398  
FT. MYERS, FL 33902-0398

CLERK OF CIRCUIT COURT, LEE COUNTY  
P. O. BOX 2469  
FORT MYERS, FL 33902-2469

DEP SOUTH DISTRICT  
2295 VICTORIA AVE., SUITE 364  
FORT MYERS, FL 33901

MAYOR, CITY OF CAPE CORAL  
P. O. BOX 150027  
CAPE CORAL, FL 33915-0027

MAYOR, CITY OF FT. MYERS  
P. O. BOX 2217  
FORT MYERS, FL 33902-2217

MAYOR, CITY OF SANIBEL  
800 DUNLOP ROAD  
SANIBEL, FL 33957-4096

S.W. FLORIDA REGIONAL PLANNING COUNCIL  
1926 VICTORIA AVENUE  
FT. MYERS, FL 33901

SO. FLORIDA WATER MANAGEMENT DISTRICT  
P.O. BOX 24680  
WEST PALM BEACH, FL 33416-4680

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY  
(VALID FOR 60 DAYS)  
06/15/2006 - 08/13/2006**

UTILITY NAME

MANAGER

STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL  
C/O THE HOUSE OF REPRESENTATIVES  
THE CAPITOL  
TALLAHASSEE, FL 32399-1300

DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

**LATE-FILED EXHIBIT D**



**AFFIDAVIT OF NOTICE TO CUSTOMERS**

STATE OF FLORIDA

COUNTY OF LEON

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared Wayne L. Schiefelbein, who after being duly sworn on oath, did depose that on the 28<sup>th</sup> of July, 2006, under his direction and supervision, a copy of the notice attached hereto was sent by First Class U.S. Mail to each of the Utility's customers, set forth on the attached list.

FURTHER AFFIANT SAYETH NAUGHT.

Wayne L. Schiefelbein

Sworn to and subscribed before me this 31<sup>st</sup> day of July, 2006, by Wayne L. Schiefelbein, who is personally known to me.

Jacquelyn M. Tribble  
NOTARY PUBLIC  
Print name: Jacquelyn M. Tribble  
My Commission Expires:



Jacquelyn M. Tribble  
MY COMMISSION # DD203915 EXPIRES  
June 5, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.

## LEGAL NOTICE

Notice is hereby given on July 28, 2006, pursuant to Section 367.071, Florida Statutes, of the application for a transfer of majority organizational control of Town and Country Utilities Company from Babcock Florida Company to MSKP III, Inc. under a Merger, after which Babcock Florida Company will be the surviving entity. Town and Country Utilities Company is authorized to provide water service to the following described territory in Charlotte and Lee Counties, Florida.

All of Sections 1 through 36, Township 41 South, Range 26 East, Charlotte County, Florida. Less road right-of-way for S. R. 31 and C. R. 74.

AND

All of Sections 1 through 36, Township 42 South, Range 26 East, Charlotte County, Florida. Less road right-of-way for S. R. 31.

AND

All of Sections 1 through 19, Township 41 South, Range 27 East, Charlotte County, Florida.

AND

All of Sections 1 through 11, the west ½ of Section 12, and all of Sections 13 through 36, Township 42 South, Range 27 East, Charlotte County, Florida.

AND

All of Sections 1 through 7, the west ½ of Section 9, and all of Section 12, Township 43 South, Range 26 East, Lee County, Florida. Less the road right-of-way for S. R. 31 and C. R. 78.

AND

All of Sections 4 through 8, Township 43 South, Range 27 East, Lee County, Florida.

AND

Section 9, Township 43 South, Range 27 East, Lee County, Florida. Less the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of 9-43-27.

AND

The Northwest  $\frac{1}{4}$  and the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 17, Township 43 South, Range 27 East, Lee County, Florida.

AND

The North  $\frac{1}{2}$  of Section 18, Township 43 South, Range 27 East, Lee County, Florida.

Any objection to the said application must be made in writing and filed with the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to counsel to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

John R. Jenkins, Esquire  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301

5-31-06 Reading-MAE

<b>Meter Location</b>	<b>Meter Number</b>	<b>Address</b>	<b>City St Zip</b>
Shop	46876038	8000 State Rd 31	Punta Gorda, FL 33982
Shop (New)	77806067	8000 State Rd 31	Punta Gorda, FL 33982
Office	46876044	8000 State Rd 31	Punta Gorda, FL 33982
EarthSource Office	46876034	13500 State Rd 31	Punta Gorda, FL 33982
Cypress Lodge	60204245	8100 State Rd 31	Punta Gorda, FL 33982
EarthSource Scalehouse	60183684	13500 State Rd 31	Punta Gorda, FL 33982
Wilderness Adventures	1400166	8000 State Rd 31	Punta Gorda, FL 33982
Charlotte Fire Station	48181502	22429 Edgewater Dr.	Charlotte Harbor, FL 33980
Crossroads Wilderness	2376816	45991 Bermont Rd	Punta Gorda, FL 33982
Div. Forestry Tower	73625430	4723 53rd Ave., East	Bradenton, FL 34203
Asphalt Plant	77806070	13500 State Rd 31	Punta Gorda, FL 33982
David Milburn	6048785	8042 State Rd 31	Punta Gorda, FL 33982
Dave Goebel	46876042	8090 State Rd 31	Punta Gorda, FL 33982
Pat Wilson	77806068	8080 State Rd 31	Punta Gorda, FL 33982
Jamie Augustine	77806069	8086 State Rd 31	Punta Gorda, FL 33982
Fred Taylor	46876047	8060 State Rd 31	Punta Gorda, FL 33982
Arnie Sarlo	46876043	8010 State Rd 31	Punta Gorda, FL 33982
Tracy Locklear	46876041	8110 State Rd 31	Punta Gorda, FL 33982
Vacant	46876040	8030 State Rd 31	Punta Gorda, FL 33982

## 5-31-06 Reading-MAE

Joe Banks	46876046	8072 State Rd 31	Punta Gorda, FL 33982
Vacant	46876045	8070 State Rd 31	Punta Gorda, FL 33982
Chris Hopper	46876039	8082 State Rd 31	Punta Gorda, FL 33982
Allen Vinson	46876039	42381 Bermont Rd	Punta Gorda, FL 33982
Casey Bruni	46876035	8100 State Rd 31	Punta Gorda, FL 33982
Bolman Slater	46876033	8500 State Road 31	Punta Gorda, FL 33982
Farm-Op Inc.	73625429	PO Box 3088	Immokalee, FL 17090
Gun Club/Dusty Harbin	48410512	45501 Bermont Rd	Punta Gorda, FL 33982