

Section 1 - Bureau of Records Complete

Docket No. 050912-WS Date Docketed: 12/12/2005 Title: Application for transfer of majority organizational control of Plantation Bay Utility Co. in Flagler and Volusia Counties from Francois Lazare to Morteza Hosseini-Kargar. Company: Plantation Bay Utility Co.

Official Filing Date: Expiration: Last Day to Suspend:

Referred to: CCA CMP (ECR) GCL PIF RCA SCR SGA

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module B1(j); B7(b) WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

Table with columns: OPR Staff, Staff Counsel, OCRs, Due Dates (Previous, Current), and a central column for assignments. Includes a '0' Current CASR revision level indicator.

Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel Hearing Staff

Date filed with CCA:

Initials OPR Staff Counsel

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Table for Hearing Officer(s) with columns: Commissioners (ALL, BD, DS, BZ, ED, AR), Hrg Exam, Staff

Prehearing Officer

Table for Prehearing Officer with columns: Commissioners (BD, DS, BZ, ED, AR), ADM

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: DOCUMENT NUMBER-DATE Date:

08323 SEP 13 08

Section 1 - Bureau of Records Complete

Docket No. 050912-WS Date Docketed: 12/12/2005 Title: Application for transfer of majority organizational control of Plantation Bay Utility Co. in Flagler and Volusia Counties from Francois Lazare to Morteza Hosseini-Kargar.  
 Company: Plantation Bay Utility Co.

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_

Referred to: \_\_\_\_\_  
 ("O" indicates OPR)

CCA	CMP	(ECR)	GCL	PIF	RCA	SCR	SGA
		X	X				

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module B1(j); B7(b)  
 Staff Assignments

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

OPR Staff	C Johnson	0	Current CASR revision level	Due Dates	
				Previous	Current
		1.	Deficiency Notification to Applicant	NONE	01/06/2006
		2.	Deficiencies Corrected	NONE	02/06/2006
		3.	Staff Recommendation	NONE	05/04/2006
		4.	Agenda	NONE	05/16/2006
		5.	Standard Order	NONE	06/05/2006
		6.	Close Docket or Revise CASR	NONE	07/06/2006
		7.			
Staff Counsel	R Gervasi	8.			
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Recommended assignments for hearing and/or deciding this case:  
 Full Commission  Commission Panel   
 Hearing  Staff   
 Date filed with CCA: 12/21/2005  
 Initials OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BD	DS	BZ	ED	AR		
X							

Prehearing Officer

Commissioners					ADM
BD	DS	BZ	ED	AR	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman:  
 the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is  
 assigned the full Commission decides the case.

Approved: BDI/rw  
 Date: 12/21/2005

COMMISSIONERS:  
RUDOLPH "RUDY" BRADLEY, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
LISA POLAK EDGAR  
ISILIO ARRIAGA

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

# Public Service Commission

December 13, 2005

Valerie L. Lord, Attorney  
Rose, Sundstrom & Bentley, LLP  
Sanlando Center  
2180 W. State Road 434, Suite 2118  
Longwood, Florida 32779

**Re: Docket No. 050912-WS**

Dear Ms. Lord:

This will acknowledge receipt of an application for transfer of majority organizational control of Plantation Bay Utility Co., in Flagler and Volusia Counties from Francois Lazare to Morteza Hosseini-Kargar, was filed in this office on December 12, 2005, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Bureau of Records

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DOCUMENT NUMBER - DATE

08323 SEP 13 08

FPSC - COMMISSION CLERK

**Kay Flynn**

050912-WS

**To:** Troy Rendell  
**Cc:** Bart Fletcher; Rosanne Gervasi  
**Subject:** RE: New filing in Docket No. 050281-WS (Plantation Bay Utility Co.)

Will do. Thanks for letting me know.

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

**From:** Troy Rendell  
**Sent:** Tuesday, January 24, 2006 1:22 PM  
**To:** Kay Flynn  
**Cc:** Bart Fletcher; Rosanne Gervasi  
**Subject:** RE: New filing in Docket No. 050281-WS (Plantation Bay Utility Co.)

Hi Kay,

This document does not belong in the rate case docket (050281). The company referenced the wrong docket number on the documents, but referenced the right title of the docket they should be filed in, which is DN 050912-WS (transfer of majority organizational control docket). Could you please remove them from 050281 and place them in 050912? Thanks.

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

**From:** Kay Flynn  
**Sent:** Tuesday, January 24, 2006 1:14 PM  
**To:** Bart Fletcher; Rosanne Gervasi; Pete Lester; Jennie Lingo; Bill Lowe; Mahnaz Massoudi; Sam Merta; Troy Rendell; Marshall Willis; Janet Harrison; Rhonda Hicks; Denise Vandiver; Martha Golden; Bev DeMello; Dick Durbin; Janet Brunson  
**Subject:** New filing in Docket No. 050281-WS (Plantation Bay Utility Co.)

DOCKET TITLE = Application for increase in water and wastewater rates in Volusia County by Plantation Bay Utility Company.

UTILITY NAME = Plantation Bay Utility Co.

DOCUMENT DESCRIPTION = Plantation Bay (Friedman) - Letter dated 1/20/06 as follow-up to telephone conference with ECR/Daniel regarding showing of financial ability by Mr. Hosseini; advises Mr. Hosseini has a vested interest as a developer to make sure utility has financial ability to expand as necessary.

DOCUMENT PATH =  
file://L:\PSC\LIBRARY\FILINGS\06\00604-06

Document ID = 00604-06  
Document Filed 01/23/06

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The filing described above is now available in PDF format, and may also be available in WordPerfect or other formats.

To access it, click on the DOCUMENT PATH link. This will pop up a Windows Explorer window. You will see the PDF (Adobe Acrobat) version; you will also see other versions if they exist. Double-click on the preferred

version and the document will open.

If you need to cut/paste/search in the document and find you can't, try later when the reformatted version is available. (For more information, see PDF Tips on the How To menu.)

You can also go to the docket in CMS by triple-clicking on the DOCKET NUMBER, typing ctrl-C to copy, and using the paste icon to paste the docket number into the query line in CMS.

This is an automatically generated e-mail; no response/reply is necessary.

Matilda Sanders

050912-WS

CORRESPONDENCE FILE

**From:** Rosanne Gervasi  
**Sent:** Friday, January 20, 2006 3:01 PM  
**To:** Matilda Sanders  
**Subject:** RE: New filing in Docket No. 050281-WS (Plantation Bay Utility Co.)

Thanks Matilda!

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

From: Matilda Sanders  
Sent: Friday, January 20, 2006 2:38 PM  
To: Rosanne Gervasi  
Cc: Patti Daniel; Cheryl Johnson; Bart Fletcher; Pete Lester; Jennie Lingo; Bill Lowe; Mahnaz Massoudi; Sam Merta; Troy Rendell; Marshall Willis; Janet Harrison; Rhonda Hicks; Denise Vandiver; Martha Golden; Bev DeMello; Dick Durbin; Janet Brunson  
Subject: RE: New filing in Docket No. 050281-WS (Plantation Bay Utility Co.)

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JAN 20 PM 3:41  
COMMISSION CLERK

Moving over to 050912-WS both 00395-06 & 00396-06 from 050281-WS.

Thank you for advising us.

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

From: Rosanne Gervasi  
Sent: Friday, January 20, 2006 1:44 PM  
To: Matilda Sanders; Bart Fletcher; Pete Lester; Jennie Lingo; Bill Lowe; Mahnaz Massoudi; Sam Merta; Troy Rendell; Marshall Willis; Janet Harrison; Rhonda Hicks; Denise Vandiver; Martha Golden; Bev DeMello; Dick Durbin; Janet Brunson  
Cc: Patti Daniel; Cheryl Johnson  
Subject: RE: New filing in Docket No. 050281-WS (Plantation Bay Utility Co.)

Hi Matilda, this document, as well as Document No. 00396-06, do not belong in the rate case docket (050281). The company referenced the wrong docket number on the documents, but referenced the right title of the docket they should be filed in, which is DN 050912-WS (transfer of majority organizational control docket). Could you please remove them from 050281 and place them in 050912? Thanks.

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

From: Matilda Sanders  
Sent: Friday, January 20, 2006 12:17 PM  
To: Bart Fletcher; Rosanne Gervasi; Pete Lester; Jennie Lingo; Bill Lowe; Mahnaz Massoudi; Sam Merta; Troy Rendell; Marshall Willis; Janet Harrison; Rhonda Hicks; Denise Vandiver; Martha Golden; Bev DeMello; Dick Durbin; Janet Brunson  
Subject: New filing in Docket No. 050281-WS (Plantation Bay Utility Co.)

DOCKET TITLE = Application for increase in water and wastewater rates in Volusia County by Plantation Bay Utility Company.  
UTILITY NAME = Plantation Bay Utility Co.

DOCUMENT DESCRIPTION = Plantation Bay (Lord) - Withdrawal of emergency petition for variance or waiver of Rules 25-30.037(3)(i), (j), and (k), and 25-30.030(4)(c), FAC.

DOCUMENT PATH =  
file://L:\PSC\LIBRARY\FILINGS\06\00395-06

Document ID = 00395-06  
Document Filed 01/17/06

The filing described above is now available in PDF format, and may also be available in WordPerfect or other formats.

To access it, click on the DOCUMENT PATH link. This will pop up a Windows Explorer window. You will see the PDF (Adobe Acrobat) version; you will also see other versions if they exist. Double-click on the preferred version and the document will open.

If you need to cut/paste/search in the document and find you can't, try later when the reformatted version is available. (For more information, see PDF Tips on the How To menu.)

You can also go to the docket in CMS by triple-clicking on the DOCKET NUMBER, typing ctrl-C to copy, and using the paste icon to paste the docket number into the query line in CMS.

This is an automatically generated e-mail; no response/reply is necessary.

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

January 27, 2006

Mr. Charles J. Gillies  
P.O. Box 731835  
Ormond Beach, FL 32173-1835

RECEIVED-FPSC  
06 JAN 27 PM 4:49  
COMMISSION  
CLERK

**Re: Docket No. 050281-WS - Application for increase in water and wastewater rates in Volusia County by Plantation Bay Utility Company.**

**Docket No. 050912-WS - Application for transfer of majority organizational control of Plantation Bay Utility Co. in Flagler and Volusia Counties from Francois Lazare to Morteza Hosseini-Kargar.**

Dear Mr. Gillies:

Thank you for your letter dated January 23, 2006, regarding the above-referenced dockets. Enclosed is a copy of the Staff Recommendation filed for Docket No. 050281-WS on January 26, 2006. The Commission is expected to consider this Recommendation at its February 7, 2006, Agenda Conference which will be held in Room 148, Betty Easley Conference Center, in Tallahassee beginning at 9:30 a.m. If you wish to attend, please arrive promptly at the beginning of the Agenda Conference, as we cannot state the exact time at which this item will be heard. You are welcome to come to this Agenda Conference and observe and/or participate in the discussion of this item. You may also watch at our website <http://www.floridapsc.com>.

As stated in our telephone discussion on the afternoon of January 11, 2006, the responses to the comments and questions contained in your previous letter received December 8, 2005, are as follows. First, you commented that the gravity and force sewer mains, lift stations, and pumping equipment are for future development and should be paid by the developer. Prior to the 2001 year end, the utility was authorized to accept donated property from the developer. However, in Plantation's 2001 earnings investigation, the Commission ordered the utility to discontinue the collection of donated property because of Plantation's unique circumstance at that time. That unique circumstance was discussed on pages 17 to 19 of Order No. PSC-02-1449-PAA-WS, which I had sent you via e-mail on January 11, 2006. As discussed on pages 77 to 79 of the enclosed recommendation, staff is recommending that the utility should be allowed to collect donated property beginning January 1, 2007.



Mr. Charles J. Gillies

Page 2

January 27, 2006

Second, you stated that the Secretary of State's Office still lists Francois Lazare and Steve Irwin as officers/directors of the utility, but Plantation's 2003 and 2004 annual reports filed with the Commission do not reflect these individuals as officers/directors. As I stated in our telephone discussion, I have relayed your concern to the Commission's certification section as well as the attorney assigned, which is processing the utility's application for transfer of majority organizational control in Docket No. 050912-WS.

Third, you asked whether the change in ownership from Francois Lazare to Morteza Hosseini-Karger was the result of a purchase, sale or transfer of securities, non-cash transfer of assets, new cash dividends other than stock dividends, or a write-off of bad debt or loans. According to the utility's transfer application filed in Docket No. 050912-WS, the shares were transferred pursuant to a stock purchase agreement, which was financed by cash from the buyer. As discussed on page 80 of the enclosed recommendation, staff does not believe that the apparent violation of Section 367.071, F.S., rises to the level of warranting the initiation of a show cause proceeding against Plantation Bay in these circumstances for failure to obtain approval prior to transferring majority organizational control of the utility. The utility filed an application for approval of the transfer shortly after being advised of the requirement by staff.

In your letter dated January 23, 2006, you also commented that, during our telephone discussion, you noted that the developer appeared to use numerous names. Again, I do not know the reason why on some documents the developer's name appears as "Morteza Hosseini-Karger" versus "Morteza Hosseini". I have also relayed this concern to the Commission's certification section as well as the attorney assigned, which is processing the utility's application for transfer of majority organizational control in Docket No. 050912-WS.

Finally, you requested to know what has happened in this matter since I spoke with you by telephone. The utility filed its application for transfer of majority organizational control on December 12, 2005. Along with the application, the utility filed an Emergency Petition requesting variance or waiver of certain rule requirements pertaining to transfer applications. However, on January 17, 2006, the utility withdrew the Emergency Petition and the utility must comply with all of the requirements of the Commission rules governing applications for transfer of majority organizational control. The transfer application is in the process of being analyzed by the certification staff.

You may view all documents filed in Docket No. 050912-WS (the transfer case) and/or in Docket No. 050281-WS (the rate case) from the Commission's website, which is <http://www.floridapsc.com>. Click on "Regulated Utilities, Water and Wastewater," to the right of the screen, then click on the "Dockets and Filings" tab at the top of the next screen. Then click on the word "Dockets," enter the docket number of the docket you wish to research, and click "Search". Click on "Document Filings Index" for a list of all documents filed in the docket.

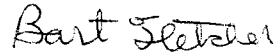
Mr. Charles J. Gillies

Page 3

January 27, 2006

If you have any questions regarding the rate case (Docket No. 050281-WS), please feel free to call me at (850) 413-7017. If you have any questions regarding the transfer case (Docket No. 050912-WS), please feel free to call Cheryl Johnson at (850) 413-6984.

Sincerely,



Bart Fletcher

Professional Accountant Specialist

Enclosure

cc: Division of Economic Regulation (Rendell, Johnson)  
Office of the General Counsel (Gervasi)  
Division of the Commission Clerk and Administrative Services (Dockets Nos. 050281-WS  
and 050912-WS)

ORIGINAL

1361 Sunningdale La.  
Ormond Bch., Fl. 32174  
(386)615-7271  
1-26-06

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05 JAN 30 AM 10:54

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Florida Public Service Commission  
2540 Shumard Oaks Blvd.  
Tallahassee, Fl. 32399-0850

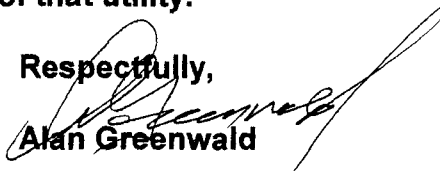
050912-WS

In reference to a petition to transfer 775 shares of stock in the PLANTATION BAY UTILITY CO., to a Mr. Morteza-Hosseini- Kargar, I propose the following:

It is apparent that Mr. Hosseini-Kargar is a relative of Mr. Mori Hosseini the C.E.O. of I.C.I Developers, Plantation Bay and other extensive holdings in the State and this immediate area. I and many others feel that there is enough power resting in the hands of one family.

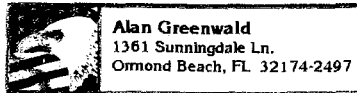
I would suggest allowing all the Home Owner organizations of the listed properties being serviced by this self owned Utility, the option, if interested, to have these 775 shares transferred to their control. I believe since this is a Utility servicing a given area that the home owners have full rights and control of the functioning of that utility.

Respectfully,



Alan Greenwald

C/C: Mr. Martin S. Friedman, Esq – Att.



- CMP \_\_\_\_\_
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- CTR \_\_\_\_\_
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- GCL 1 \_\_\_\_\_
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

2006 JAN 30 AM 10:31  
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