

**RUTLEDGE, ECENIA, PURNELL & HOFFMAN**

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GOVERNMENTAL CONSULTANTS  
JONATHAN M. COSTELLO  
MARGARET A. MENDUNI

April 2, 2008

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center  
Room 110  
Tallahassee, FL 32399-0850

**HAND DELIVERY**

COMMISSION  
CLERK

08 APR -2 AM 10:58

RECEIVED-FPSC

Re: Docket No. 080183-WI  
Joint Application of Tamiami Village Water Company, Inc. and Ni Florida, LLC  
for Approval of Transfer of Tamiami Village Water Company, Inc.'s Wastewater  
System

Dear Ms. Cole:

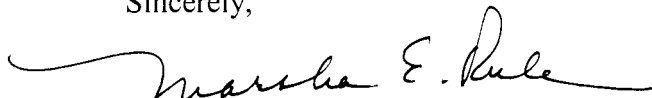
Enclosed for filing on behalf of Tamiami Village Water Company, Inc. ("Tamiami") and  
Ni Florida, LLC ("Ni Florida") are the following documents:

1. Original and five copies of Late Filed Exhibit Exhibit "J";
2. Original and five copies of Late Filed Exhibit "K";
3. Original and five copies of Notice of Filing Late Filed Exhibit "J" and Late Filed Exhibit "K".

Please acknowledge receipt of these documents by stamping the extra copy of this letter  
"filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,



Marsha E. Rule

DOCUMENT NUMBER-DATE

02516 APR-2 8

FPSC-COMMISSION CLERK

CMP \_\_\_\_\_  
 COM \_\_\_\_\_  
 CTR \_\_\_\_\_  
 ECR \_\_\_\_\_  
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 RCA \_\_\_\_\_  
 SCR \_\_\_\_\_  
 SGA \_\_\_\_\_  
 SEC \_\_\_\_\_  
 OTH \_\_\_\_\_

Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint Application of Tamiami Village )  
Water Company, Inc. and Ni Florida, LLC )  
for Approval of Transfer of Tamiami Village )  
Water Company, Inc.'s Water System. )  
\_\_\_\_\_ )

Docket No. 080183 -WU

Filed: April 2, 2008

**AFFIDAVIT OF MAILING**

STATE OF FLORIDA  
COUNTY OF LEON

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared D. ROXANNE LEVINGSTON, who, after being duly sworn on oath, did depose on oath and say that she is the secretary to Kenneth A. Hoffman, Esquire, attorney for Ni Florida, LLC and Tamiami Village Water Company, Inc., and that on March 31, 2008, she did send by regular U. S. Mail, a copy of the notice attached hereto to each of the utilities, governmental bodies, agencies, and municipalities, in accordance with the list provided by the Florida Public Service Commission, which is attached hereto.

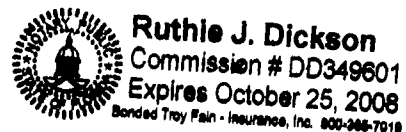
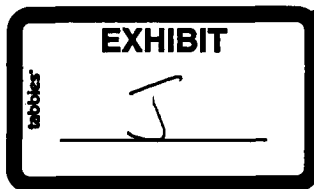
FURTHER AFFIANT SAYETH NOT.

*D. Roxanne Levingston*  
\_\_\_\_\_  
D. ROXANNE LEVINGSTON

Sworn to and subscribed before me this 1<sup>st</sup> day of April, 2008, by D. Roxanne Levingston, who is personally known to me.

*Ruthie J. Dickson*  
\_\_\_\_\_  
Print Name  
NOTARY PUBLIC

My Commission Expires:



DOCUMENT NUMBER-DATE

02516 APR-28

FPSC-COMMISSION CLERK

**NOTICE OF JOINT APPLICATION OF  
TAMIAMI VILLAGE WATER COMPANY, INC.  
AND NI FLORIDA, LLC FOR APPROVAL OF TRANSFER OF  
TAMIAMI VILLAGE WATER COMPANY, INC.'S  
WATER SYSTEM TO NI FLORIDA, LLC**

Notice is hereby given on the 31<sup>st</sup> day of March, 2008, pursuant to Section 367.071, Florida Statutes, of the Joint Application for Tamiami Village Water Company, Inc. ("Tamiami") and Ni Florida, LLC ("Ni Florida") for Approval of the Transfer of Tamiami's Water System and Certificate No. 388-W to Ni Florida, in Lee County, Florida, providing water service to the following described territory in Lee County, Florida:

The following described lands located in portions of Section 27, Township 43 S, Range 24 E, Lee County, Florida:

Tract or Parcel of land in the South Half (S 1/2) of the Northwest Quarter (NW 1/4) and in the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of Section 27, Township 43 South, Range 24 East, Lee County, Florida and in Leasure Village, a Mobile Home Park as recorded in Condominium Plat Book 3, pages 60 through 76 of the Lee County, Florida Public Records which is described as follows: From the Southwest corner of said North Half (N 1/2) of the Southwest Quarters (SW 1/4); thence North 89 degrees 48 minutes 29 seconds East along the South line of said fraction for 25.0 feet; thence North 0 degrees 19 minutes 10 seconds West parallel with the West line of said Section for 1937.92 feet to the Point of Beginning; thence continue North 0 degrees 19 minutes 10 seconds West for 378.77 feet; thence North 89 degrees 33 minutes 50 seconds East for 575.62 feet; thence South 0 degrees 18 minutes 50 seconds East for 169.78 feet; thence South 0 degrees 26 minutes 10 seconds East for 209.19 feet; thence South 89 degrees 33 minutes 50 seconds West for 576.03 feet to the Point of Beginning.

Subject to easements, restrictions and reservations of record.

A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, Lee County Florida, which is described as follows:

From the Southwest corner of said fraction of Section; thence N.0°19'10"W. along the West line of said Section for 25.0 feet; thence S. 89°53'40" E. along the North right of way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly line (S.05°56'20"W.) of the Tamiami Trail (U.S. 41, State Road No. 45) and the Point of Beginning.

Thence N. 05°56'20"E. along said prolongation for 348.19 feet; thence S. 84°03'40"E. for 290.00 feet; thence S.05°56'20"W. along the Westerly right of way (100.00 feet from center line) of said Tamiami Trail for 208.00 feet to a point of curvature of a curve to the left (radius

5829.58 feet, Delta Angle  $01^{\circ}05'08''$ ); thence Southwesterly along the arc of said curve for 110.46 feet; thence  $N.89^{\circ}53'40''W.$  along said North right of way of Littleton Road for 292.55 feet to the Point of Beginning. Containing 2.220 acres more or less.

A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, Lee County, Florida, which is described as follows:

From the Southwest corner of said fraction of Section; thence  $N.0^{\circ}19'10''W.$  along the West line of said Section for 25.0 feet; thence  $S. 89^{\circ}53'40''E.$  along the North right of way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly right of way ( $S.05^{\circ}56'20''W.$ ) of the Tamiami Trail (U.S. 41, State Road 45); thence  $N.05^{\circ}56'20''E.$  along said prolongation for 348.19 feet to the Point of Beginning.

Thence continue  $N.05^{\circ}56'20''E.$  along said prolongation for 371.45 feet; thence  $S.89^{\circ}53'40''E.$  along the Southerly line of an 80.00 feet wide parcel II land as recorded in O.R.B. 1687, page 1106 for 291.50 feet; thence  $S.05^{\circ}56'20''W.$  along said Westerly right of way (100.00 feet from the center line) of said Tamiami Trail for 401.00 feet; thence  $N.84^{\circ}03'40''W.$  for 290.00 feet to the Point of Beginning. Containing 2.572 acres more or less.

Any objections to the Joint Application must be made in writing and filed within 30 days from the date of this Notice with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with a copy to Kenneth A. Hoffman, Esq., Rutledge, Ecenia, Purnell & Hoffman, P.A., P. O. Box 551, Tallahassee, Florida 32302. The objection must state the grounds for the objection with particularity.

Tamiami Village Water Company, Inc.  
9280-5 College Parkway  
Ft. Myers, FL 33919-4848  
(239) 482-0717 (Telephone)

-- and --

Ni Florida, LLC  
10913 Metronome  
Houston, Texas 77043  
(713) 574-5952 (Telephone)

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY  
(VALID FOR 60 DAYS)  
03/18/2008 - 05/16/2008**

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>LEE COUNTY</u>	
AQUA UTILITIES FLORIDA, INC. (SU821) 762 WEST LANCASTER AVENUE BRYN MAWR, PA 19010-3402	KIMBERLY A. JOYCE (610) 645-1077
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
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) 28400 HUNTERS RIDGE BLVD. BONITA SPRINGS, FL 34135-3511	DON HUPRICH (239) 992-6061
MOBILE MANOR WATER COMPANY, INC. (WU167) 150 LANTERN LANE NORTH FORT MYERS, FL 33917-6515	BONITA VANDALL (239) 277-0718
NORTH FORT MYERS UTILITY, INC. (SU317) P. O. BOX 2547 FT. MYERS, FL 33902-2547	JOEL SCHENKMAN (239) 543-1005
NORTH FORT MYERS UTILITY, INC. (WU834) P. O. BOX 2547 FT. MYERS, FL 33902-2547	JOEL SCHENKMAN (239) 543-1005
PINE ISLAND COVE HOMEOWNERS ASSOCIATION, INC. (SU724) 7290 LADYFISH DRIVE ST. JAMES CITY, FL 33956-2723	PAUL WILLIAMS (239) 283-3100

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY  
(VALID FOR 60 DAYS)  
03/18/2008 - 05/16/2008**

UTILITY NAME

MANAGER

LEE COUNTY

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

SCHAEFFER UTILITY MANAGEMENT  
(239) 489-4779

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

JOHN J. USTICA  
(239) 482-0717

TOWN AND COUNTRY UTILITIES COMPANY (SU904)  
17837 MURDOCK CIRCLE  
PORT CHARLOTTE, FL 33948-4000

CHARLES DESANTI  
(941) 235-6900

TOWN AND COUNTRY UTILITIES COMPANY (WU811)  
17837 MURDOCK CIRCLE  
PORT CHARLOTTE, FL 33948-4000

CHARLES DESANTI  
(941) 235-6900

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

TIM FITZSIMMONS  
(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)  
03/18/2008 - 05/16/2008**

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)  
03/18/2008 - 05/16/2008**

UTILITY NAME

MANAGER

STATE OFFICIALS

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

OFFICE OF COMMISSION CLERK  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint Application of Tamiami Village )  
Water Company, Inc. and Ni Florida, LLC )  
for Approval of Transfer of Tamiami Village )  
Water Company, Inc.'s Water System. )  
\_\_\_\_\_)

Docket No. 080183 -WU

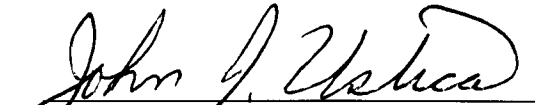
Filed: April 2, 2008

**AFFIDAVIT OF MAILING**

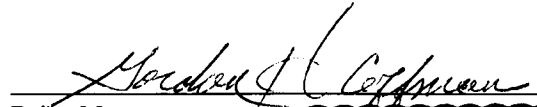
STATE OF FLORIDA  
COUNTY OF LEE

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared JOHN J. USTICA, who, after being duly sworn on oath, did depose on oath and say that he is the President of Tamiami Village Water Company, Inc., and that on March 31, 2008, he did send by regular U.S. Mail, a copy of the notice attached hereto to each customer in Tamiami's Florida Public Service Commission-certificated territory.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
John J. Ustica

Sworn to and subscribed before me this 31<sup>st</sup> day of March, 2008, by John J. Ustica, who is personally known to me.



Print Name  
NOTARY PUBLIC  
My Commission Expires:

  
Gordon H. Coffman  
Commission # DD482223  
Expires October 23, 2009  
Bonded Troy Pain Insurance, Inc. 800-285-7019

  
EXHIBIT  
tabbies  
K

DOCUMENT NUMBER-DATE  
02516 APR-28  
FPSC-COMMISSION CI FRK

**NOTICE OF JOINT APPLICATION OF  
TAMIAMI VILLAGE WATER COMPANY, INC.  
AND NI FLORIDA, LLC FOR APPROVAL OF TRANSFER OF  
TAMIAMI VILLAGE WATER COMPANY, INC.'S  
WATER SYSTEM TO NI FLORIDA, LLC**

Notice is hereby given on the 31<sup>st</sup> day of March, 2008, pursuant to Section 367.071, Florida Statutes, of the Joint Application for Tamiami Village Water Company, Inc. ("Tamiami") and Ni Florida, LLC ("Ni Florida") for Approval of the Transfer of Tamiami's Water System and Certificate No. 388-W to Ni Florida, in Lee County, Florida, providing water service to the following described territory in Lee County, Florida:

The following described lands located in portions of Section 27, Township 43 S, Range 24 E, Lee County, Florida:

Tract or Parcel of land in the South Half (S 1/2) of the Northwest Quarter (NW 1/4) and in the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of Section 27, Township 43 South, Range 24 East, Lee County, Florida and in Leesure Village, a Mobile Home Park as recorded in Condominium Plat Book 3, pages 60 through 76 of the Lee County, Florida Public Records which is described as follows: From the Southwest corner of said North Half (N 1/2) of the Southwest Quarters (SW 1/4); thence North 89 degrees 48 minutes 29 seconds East along the South line of said fraction for 25.0 feet; thence North 0 degrees 19 minutes 10 seconds West parallel with the West line of said Section for 1937.92 feet to the Point of Beginning; thence continue North 0 degrees 19 minutes 10 seconds West for 378.77 feet; thence North 89 degrees 33 minutes 50 seconds East for 575.62 feet; thence South 0 degrees 18 minutes 50 seconds East for 169.78 feet; thence South 0 degrees 26 minutes 10 seconds East for 209.19 feet; thence South 89 degrees 33 minutes 50 seconds West for 576.03 feet to the Point of Beginning.

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5829.58 feet, Delta Angle  $01^{\circ}05'08''$ ); thence Southwesterly along the arc of said curve for 110.46 feet; thence  $N.89^{\circ}53'40''W.$  along said North right of way of Littleton Road for 292.55 feet to the Point of Beginning. Containing 2.220 acres more or less.

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Any objections to the Joint Application must be made in writing and filed within 30 days from the date of this Notice with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with a copy to Kenneth A. Hoffman, Esq., Rutledge, Ecenia, Purnell & Hoffman, P.A., P. O. Box 551, Tallahassee, Florida 32302. The objection must state the grounds for the objection with particularity.

Tamiami Village Water Company, Inc.  
9280-5 College Parkway  
Ft. Myers, FL 33919-4848  
(239) 482-0717 (Telephone)

-- and --

Ni Florida, LLC  
10913 Metronome  
Houston, Texas 77043  
(713) 574-5952 (Telephone)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint Application of Tamiami Village )  
Water Company, Inc. and Ni Florida, LLC ) Docket No. 080183 –WU  
for Approval of Transfer of Tamiami Village )  
Water Company, Inc.’s Water System. ) Filed: April 2, 2008  
\_\_\_\_\_)

**NOTICE OF FILING LATE FILED EXHIBIT “J”**  
**AND LATE FILED EXHIBIT “K”**

Joint Applicants, Ni Florida, LLC and Tamiami Village Water Company, Inc., by and through their undersigned counsel, hereby notice filing in the above-referenced docket Late Filed Exhibit “J” to their Application, which is the Affidavit of Mailing notice to applicable utilities, governmental bodies, agencies, and municipalities, and Late Filed Exhibit “K” to their Application, which is the Affidavit of Mailing notice to each customer of the system to be transferred.

Respectfully submitted this 2<sup>nd</sup> day of April, 2008.



Kenneth A. Hoffman, Esq.  
Marsha E. Rule, Esq.  
Rutledge, Ecenia, Purnell & Hoffman, P.A.  
P. O. Box 551  
Tallahassee, Florida 32302  
(850) 681-6788 (Telephone)  
(850) 681-6515 (Facsimile)


*Attorneys for Ni Florida, LLC, and  
Tamiami Village Water Company, Inc.*

DOCUMENT NUMBER-DATE  
02516 APR-2 8  
FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Notice of Filing Late Filed Exhibit "J" and Late Filed Exhibit "K" was furnished by United States Mail to the following this 2<sup>nd</sup> day of April, 2008:

Michael G. Cooke, Esq.  
General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

  
Marsha E. Rule  
Marsha E. Rule