

MACHOREK
125 AQUARINA

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Re: The Application for Transfer of Majority Organizational Control of Service Management Systems Inc. from IRD Osprey, LLC. to Oak Lodge Utility, LLC.

DOCKET NO. 0090019-WS

NOTICE OF OBJECTION

(pursuant to Rule 25-30.03,
Florida Administrative Code.)

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COMMISSION
CLERK

I/We _____, am a/are customer(s) of Service Management Systems, Inc. and do, hereby, object to the Application for Transfer of Majority Organizational Control of Service Management Systems, Inc. (hereinafter referred to as "the utility") from IRD Osprey, LLC. To Oak Lodge Utility, LLC on the following grounds:

- 1) The transfer is contrary to Rule 25-30.037(3)(f), Florida Administrative Code. The application for approval of the transfer is not in the public interest by reason of the following:
 - a) The interest of Oak Lodge is substantially and materially different than all prior operators of the utility and is contrary to the interests of the customers being served by the utility.
 - b) Oak Lodge does not have experience in water and wastewater operations.
 - c) Oak Lodge does not have the financial ability or the resources to:
 - (i) Fund any capital needs of the utility,
 - (ii) Provide real and significant benefits to the customers of the utility as capital and/or operational needs demand,
 - (iii) Guarantee continuous and adequate water and wastewater service to its customers. The utility's water treatment procedures and facilities threaten the health and safety of its customers
 - (iv) Fulfill the commitments, obligations and representations of IRD Osprey, LLC with regard to utility matters.
- 2) The transfer is contrary to Rule 25-30.037(3)(i), Florida Administrative Code. There is no valid evidence that the utility owns the real property upon which the utility treatment facilities are located.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

4 July - Please sign and take to head office... if you agree concerns. Must be from...
Theresa
etc

- 3) The Application is materially deficient in failing to include the information required pursuant to the following Rules of the Florida Administrative Code:
- i) Rule 25-30.037(c), the names and addresses of all Oak Lodge's corporate officers, directors' partners and any other person(s) who will own an interest in the utility,
 - ii) Rule 25-30.037(e), a statement describing the financing of the purchaser,
 - iii) Rule 25-30.037(g), a list of all entities including affiliates, that have provided or will provide funding to Oak Lodge and an explanation of the manner and amount of such funding,
 - iv) Rule 25-30.37(h), a statement that the system is in need of repairs or improvement with a list of the repairs and improvements needed and the approximate cost to make them.

Signed this day of February, 2009: William and Judith

Name: MACHOREK JR.

Address: 125 AQUARINA BLVD
MELBOURNE BEACH
FL 32951

Telephone No.: (321) 951-7739

e-mail address: JAMACHO@EARTHLINK.NET

To: Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee Fl., 32399-0850

SEE
ATTACHED
NOTE

And to: Oak Lodge Utility, LLC
1490 Hwy A1A, Suite 301
Satellite Beach Fl. 32937

And to: Service Management Systems, Inc.,
P.O. Box 510388,
Melbourne Beach, Fl 32951

12 FEBRUARY 2009

FULLY CONCUR WITH THIS NOTICE OF
OBJECTION : REQUEST THE FLORIDA
PUBLIC SERVICE COMMISSION TO INITIATE
A DETAILED INVESTIGATION INTO THE
SUPPOSED SALE - OWNERSHIP,
CONTROL, AND NOW MISMANAGEMENT
BY THIS DEVELOPMENT COMPANY BY
WHATEVER NAME IT GOES UNDER.

HISTORY : OVER THE PAST FEW YEARS
THE CONTROLLING NON-RESIDENT
MIAMI BASED DEVELOPMENT COMPANY
BOARD HAS SQUANDERED THE
AQUARINA PROPERTY THRU SECONDARY
SALES OF INDIVIDUAL LAND PARCELS
AND OF ON-GOING BUILDING PROJECTS,
WHILE DEFERRING NEEDED MAINTENANCE
AND REPAIRS IN THE INTEREST OF
SAVING MONEYS TO INCREASE THEIR
PROFITS ONLY LEADING TO THEIR
EVENTUAL BANKRUPTCY AND BEING

PLACED UNDER BREVARD COUNTY
COMMISSION LINES OF CREDIT NOTICES
TO ACT UPON FOR THEIR VIOLATIONS.
THIS COMPANY VANISHES UNDER ON-
GOING LEGAL BANKRUPTCY RULINGS
ONLY TO HAVE THIS PRESENT DEVELOPMENT
COMPANY LLC TO PRESENT TO THE
AQUARINA COMMUNITY THEIR PLAN TO
PURCHASE THE EXISTING GOLF COURSE
AND WATER TREATMENT FACILITY FROM
ONE OF THESE UNKNOWN SECONDARY
OWNERS. THIS SALES EFFORT DID NOT
MATERIALIZER, BUT THEY JOINED WITH
ANOTHER OUTSIDE PARTY TO FINANCE
THE MAJORITY SHARE PURCHASE OF
THE WATER FACILITY - THAT ENTITY
ALWAYS BEING THE LOCAL POINT DUE
TO THE MONEY MAKING ASPECTS OF
A WATER - SEWAGE FACILITY, THEY
RUSHED INTO THAT TRANSACTION AND
FROM EYEWITNESS ACCOUNTS NEVER
FULLY INSPECTED NOR ITEMIZED THE

NEEDS / REPAIRS / NOW HAD THE PROFESSIONAL EXPERTISE TO MANAGE THIS COMMUNITY ESSENTIAL - HEALTH SAFETY FACILITY. THE PARTIES OF THIS MANAGEMENT COMPANY ARE NON-OWNER RESIDENTS IN AQUAKINA WHO NOW RENT UNITS FROM A MINORITY PARTNER CONTRACTOR BUILDER THAT OWES AQUAKINA COMMUNITY SERVICES ASSOCIATION IN THE NEIGHBOR OF 100,000 DOLLARS OF UNPAID DUES ON PROPERTY WHILE RENTING OUT SOME UNITS NEGLECTING TO PAY ANY OF THE REQUIRED RESIDENT MONTHLY / QUARTERLY EXPENSES TO THE ASSOCIATION. THIS PARTY IS A MINORITY OWNER OF THE WATER FACILITY IN QUESTION, AND IN TURN DISPLAYS THE TRUE INTEREST OF THEIR - TRULY OWNERSHIP, TO REAP THE BENEFITS AND SELL OUT AT SOME PRE-DETERMINED MARKET DATE.

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EXAMPLE OF MISMANAGEMENT IS A PERSONAL INCIDENT : I WAS NOT IN COUNTRY DURING JANUARY - RETURNING 26/27 JAN. NOT BEING ABLE TO DIRECT PAY LIKE OTHER BILLS PAID AT AQUARINA AND TO THE ASSOCIATION, I RECEIVED THE JAN BILL WITH A DUE DATE OF 24 JAN, AND A NOTE THAT IF NOT PAID BY 29 JAN THE WATER WOULD BE DISCONNECTED AND TO RECONNECT WOULD COST \$30 DOLLARS WHEN THE BILL IS PAID IN FULL. BEING THE 27 JAN I CALLED THE WATER REPRESENTATIVE WHO STATED SHE IS ONLY FOLLOWING STATE RULES, AND THAT JUST LAST MONTH SHE HAD 98 UNITS DISCONNECTED. HOWEVER FOLLOWING A RASH OF PHONE CALLS FROM THE CUSTOMERS, SHE FOUND OUT THAT PAYMENTS WERE IN TRANSIT OR NOT RECORDED PROPERLY. IN TURN SHE HAD THE ONE HIRED FULL-TIME

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WATER EMPLOYEE RECONNECT THOSE SERVICES, INCURRING BOTH WASTEFUL TIME AND EXPENSE TO HAVE THAT ACTION TAKEN. THIS ONE AND ONLY FULL-TIME EMPLOYEE AND ONLY QUALIFIED ON THE CURRENT FACILITY CONDITION WAS LAID OFF, TAKEN OVER BY PART-TIME HELP IN ORDER TO CUT EXPENSE AND LESSEN ANY INTENDED PROFITS TO THE DEVELOPMENT COMPANY IN THE RUNNING / OWNING OF THE WATER FACILITY. WATER SERVICES TO RESIDENT AREAS AND THE GOLF COURSE OPERATIONS HAVE BEEN INTERRUPTED NUMEROUS TIMES BECAUSE OF HOW AND TO WHOM THE PAYMENTS MADE, WHEN THE CONTROLLING PARTNER IS THE SAME INDIVIDUAL OWNING APPROXIMATELY TENS OF THOUSANDS OF DOLLARS. THIS IS THE OWNER REPRESENTATION TO AN AQUAKINA FACILITY WHICH IS STATE REGULATED!

PLEASE ON BEHALF OF ALL
AQUARINA OWNERS AND IN THE
INTEREST OF HEALTH SAFETY,
WE HAVE BEEN UNDER THE CONTROL
AND MISMANAGEMENT OF OUTSIDE
INTERESTS BEYOND OUR CONTROL.
THIS WAS ACKNOWLEDGED BY THE
BREVARD COUNTY COMMISSIONERS
OFFICE IN THE PAST WITH ACTIONS
TO BE TAKEN SPECIFICALLY STATED
ON RECORD ONLY TO BE NEGLECTED.

PLEASE TAKE THE ACTION TO
LEGALLY CORRECT THIS SITUATION
AS A STARTER TO FOLLOW WITH
FURTHER ACTIONS TO CORRECT/
HANDLE THOSE CORRUPT.

SIGNED

W. C. Mackey

12 FEB 2009