

Dorothy Menasco

090019

From: Ruth McHargue
Sent: Friday, October 30, 2009 9:16 AM
To: Dorothy Menasco
Subject: RE: To CLK Docket 090019

FPSC, CLK - CORRESPONDENCE
 ___Administrative___ **Parties** ___Consumer___
DOCUMENT NO. 01263-09
DISTRIBUTION: _____

Thanks Dorothy for the follow-up.
 We filed the complaint in CATS per Katherine's prior e-mail.
 Ruth

From: Dorothy Menasco
Sent: Thursday, October 29, 2009 6:09 PM
To: Ruth McHargue
Cc: Carol Purvis; Hong Wang; Ann Cole; Pat Brady; Katherine Fleming
Subject: RE: To CLK Docket 090019

Ruth,

Katherine has responded to your question regarding the complaint below. James Minnes is an interested person in Docket 090019. I found complaint #0900049W in CATS. I don't know if this is the same matter or not. However, we will place this e-mail in *Docket correspondence - Parties and Interested Persons* (DN 01263-09) per Katherine's instruction. Do you need anything further from CLK?

Katherine and Pat,

Please note that I have changed Mr. Minnes name in CMS to reflect "James Minnes" rather than "James I. Mines" per the spelling at the bottom of this e-mail. If that is incorrect, please let me know, and I will make that change ASAP.

Thank you for your help.

Dorothy Menasco
Chief Deputy Commission Clerk
Florida Public Service Commission
Office of Commission Clerk
 850-413-6770

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

From: Hong Wang
Sent: Wednesday, October 28, 2009 12:39 PM
To: Ann Cole
Cc: Carol Purvis; Dorothy Menasco
Subject: RE: To CLK Docket 090019

I've spoken with Marguerite regarding this, since it belongs to the Documents Section. We've decided that this can wait until Dorothy comes in tomorrow.

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

From: Carol Purvis On Behalf Of Ann Cole

10/30/2009

Sent: Wednesday, October 28, 2009 11:43 AM
To: Hong Wang; Dorothy Menasco
Subject: FW: To CLK Docket 090019

Not quite sure who should get this?

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

From: Katherine Fleming
Sent: Wednesday, October 28, 2009 11:30 AM
To: Dorothy Menasco; Pat Brady
Cc: Ruth McHargue; Rhonda Hicks; Ann Cole
Subject: RE: To CLK Docket 090019

Hi Dorothy,

I've reviewed the information below and I wanted to follow-up. It appears that this is a customer complaint and should be treated as a customer complaint. Has a complaint number been assigned? If not, I believe that there are current open complaints that would be appropriate to address this item. This item should be placed in the correspondence side of the docket file, if it needs to be placed in this docket file. Please let me know if you have any other questions.

Thank you.

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

From: Dorothy Menasco
Sent: Thursday, October 22, 2009 2:28 PM
To: Pat Brady; Katherine Fleming
Cc: Ruth McHargue; Rhonda Hicks; Ann Cole
Subject: FW: To CLK Docket 090019

Pat and Katherine,

Please review the complaint filed on-line, below. CAF needs to know how should this be handled. Thank you for your help.

Dorothy Menasco
Chief Deputy Commission Clerk
Florida Public Service Commission
Office of Commission Clerk
850-413-6770

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

From: Ruth McHargue
Sent: Thursday, October 22, 2009 1:42 PM
To: Dorothy Menasco
Subject: FW: To CLK Docket 090019

Hi Dorothy,

Please review the below e-mail. Not sure how it should be handled.

Thanks,
Ruth

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

10/30/2009

From: Consumer Contact
Sent: Thursday, October 22, 2009 10:02 AM
To: Ruth McHargue
Subject: To CLK Docket 090019

Copy on file, see 898176C. DH

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

From: contact@psc.state.fl.us [mailto:contact@psc.state.fl.us]
Sent: Wednesday, October 21, 2009 12:22 PM
To: Consumer Contact
Subject: E-Form Service Outage TRACKING NUMBER: 22069

Complaint filed with PSC

Select County: BREVARD
CUSTOMER INFORMATION

Name: James Minnes
Telephone: 1-819-671-6732
Email: taprtr@gmail.com
Address: 208 Osprey Court, Melbourne Beach 32951

BUSINESS INFORMATION

Business Account Name: James Minnes
Account Number:
Address: 208 Osprey Court, Melbourne Beach Florida 32951

COMPLAINT INFORMATION

Complaint: Service Outage against Service Management Systems, Inc./ Oak Lodge Utility/PSC Docket # 090019
Details:

I am the Petitioner in Docket # 090019, requesting a Hearing into the transfer of organizational control of SMS to Oak Lodge. I have just been advised that Oak Lodge, which has been operating the Utility since 2008 under a conditional Agreement of Purchase and Sale with the current owner of SMS, has without notice or just cause, ceased providing water and waste water services to the golf course at Aquarina, Melbourne Beach, which is maintained and operated by the Aquarina Community Services Association, the home owners association, which together with all the Aquarina home owners who have objected to this transfer and are co-petitioners in # 090019 are being harmed by this refusal of continued service. The damage to the golf course from this service outage will be very difficult and expensive to repair. SMS's customers in Aquarina will as a result suffer substantial reductions in the value of their homes and added assessments for repair. This unnecessary catastrophe is being caused by the unlawfull acts of Oak Lodge and must be brought to an end immediately before further damage is incurred.

PARTIES

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED--FPSC
09 FEB 16 PM 3: 52
COMMISSION
CLERK

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.)

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.

Duplicates of DN 01260-09.
Place in Parties Correspondence.
02/16/09 *[initials]*

DOCUMENT NO. DATE
01263-09 02/16/09
FPSC - COMMISSION CLERK

- 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:

Name:

William H. Steff III
June K. Steff
William H. Steff III
June K. Steff

Address:

270 Aquanina Blvd
Melbourne Beach
FL 32951

Telephone No.:

321-722-5578

e-mail address:

bannack@Warwick
.net

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

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED--FPSC
09 FEB 16 PM 3:52
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CLERK

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

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William H. Steff III

Name:

June K. Steff

William H. Steff III

June K. Steff

Address:

272 Aquanina Blvd

Melbourne Beach

FL. 32951

Telephone No.:

321-722-5578

e-mail address:

banacle@Warwick.net

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

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

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DOCUMENT NUMBER-DATE

01264 FEB 16 2016

FPSC-COMMISSION CLERK

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