

RECEIVED-FPSC  
09 MAR -2 AM 10:14  
COMMISSION  
CLERK

**AQUARINA COMMUNITY SERVICES ASSOCIATION, INC.**

**450 Aquarina Boulevard  
Melbourne Beach, FL 32951**

**Telephone: 321-952-6919**

2009 MAR 2 11:08 AM  
COMMISSION CLERK

February 25, 2009

090019-WS

TO: Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Attached please find a Certificate of Service relating to the Notices of Objection previously sent to you together with a copy of the Notice of Objection (schedule "A") and a list of Service Management System, Inc. customers signing said Notice of Objection (schedule "B" 3 pages).

I have also included three Notices of Objection that were received after the others were sent.

Thank you for your attention to this matter.

Sincerely,



Paul Levesque,  
Vice President  
Aquarina Community Services Association, Inc.

Done  
03/05/09  
Kmyf

PL:gk

DOCUMENT NUMBER-DATE

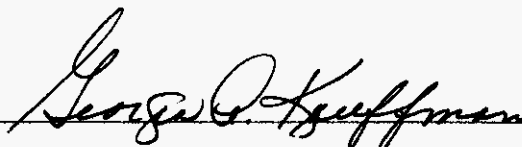
01623 MAR-28

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**

I hereby certify that original Notices of Objection, a copy of which is attached as schedule A, duly signed by each of Service Management Systems, Inc. customers, listed in schedule B, attached, was placed with Federal Express for Federal Express Priority Overnight package service to the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 on February 13, 2009, and a true and correct copy of same was placed with the U.S. Mail to send to Service Management Systems, Inc., PO Box 510388, Melbourne Beach, FL 32951 and Oak Lodge Utility, LLC, 1490 Hwy. A1A, Suite 301, Satellite Beach, FL 32937 on February 13, 2009.

Dated this 25<sup>th</sup> day of February 2009.



Georgia A. Kauffman

DOCUMENT NUMBER-DATE  
01623 MAR-28  
FPSC-COMMISSION CLERK

# SCHEDULE "A"

## 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.)

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

01623 MAR-28

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:    \_\_\_\_\_

Address:    \_\_\_\_\_

Telephone No.:    \_\_\_\_\_

e-mail address:    \_\_\_\_\_

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

**SCHEDULE B**

|                                |                                 |
|--------------------------------|---------------------------------|
| William & Judith Machorek, Jr. | 125 Aquarina Boulevard          |
| James & Pat Cafiero            | 258 “                           |
| Billy & Ann Murphy             | 260 “                           |
| Rick Augustin                  | 266 “                           |
| RuthAnne Flory                 | 264 “                           |
| James & Edith Bower            | 276 “                           |
| Paul & Claire Levesque         | 274 “                           |
| George & Laura Jockers         | 278 “                           |
| Bob & Marilyn Niebur           | 284 “                           |
| Michael & Jayne McAllister     | 256 “                           |
| Mr. & Mrs. Won Bae Chi         | 288 “                           |
| Lois Abe                       | 266 “                           |
| Ed & Roberta Kenefick          | 290 “                           |
| Jim Scura                      | 262 “                           |
| Dolores Mann                   | Unit 305, 240 Hammock Shore Dr. |
| Irene Chidester                | Unit 206, “                     |
| Patricia Andreoli              | Unit 300 “                      |
| Cynthia Kent                   | Unit 309 “                      |
| Helen Sarver                   | Unit 202 “                      |
| William & Margaret Werner      | Unit 101 “                      |
| Edward & Pamela O'Brien        | Unit 203 “                      |
| Henry & Rose Cieslak           | Unit 306 “                      |
| John & Marjorie Hanawalt       | Unit 204 “                      |
| Marilyn M. Jeffreys            | Unit 304 “                      |
| Arthur & Charlotte Hopper      | Unit 109 “                      |
| William & Joan Beagle          | Unit 105 “                      |
| John & Norma Keegan            | Unit 106 & 205 “                |
| Mel & Audrey Weiss             | Unit 104 “                      |
| Robert McGreevy                | Unit 102 “                      |
| Edward M. Davis                | 860 Aquarina Boulevard          |
| Andrew & Janet Befumo          | 870 “                           |
| John & Diane Cobb              | 820 “                           |
| Dan & Janice Whitney           | 880 “                           |
| James M. Frasher               | 890 “                           |
| Ornulf Thoresen                | 814 “                           |
| Janis May                      | 858 “                           |
| Gary & Susan Schmidthorst      | 802 “                           |
| Alfred & Jane Farina           | 796 “                           |
| Arnold & Mildred Zanlungi      | 832 “                           |
| Joyce Malakoff                 | 864 “                           |
| Richard & Patricia Simonet     | 826 “                           |
| Stanley & Joy Flink            | 901 “                           |
| Larry J. Chaitovitz            | 380 “                           |
| Charles & Judith Kauth         | 354 “                           |

|                              |     |                     |
|------------------------------|-----|---------------------|
| John A. Pasetty              | 350 | “                   |
| Louis Ruppert                | 384 | “                   |
| Alice Dewys                  | 386 | “                   |
| Collett Hall                 | 374 | “                   |
| Jacquelyn McClure            | 352 | “                   |
| Robert Schuett               | 366 | “                   |
| Donald Schwinn               | 378 | “                   |
| Robert & Mary Ann Dragoon    | 372 | “                   |
| Elisabeth & Leo Dowhaluk     | 376 | “                   |
| Robert & Carol Fister        | 161 | “                   |
| Jack DiSalvo & Margaret Carr | 854 | “                   |
| Harlan & Elizabeth Rise      | 845 | “                   |
| Michael & Virginia Carney    | 859 | “                   |
| Robert & Arlene Fata         | 855 | “                   |
| John Eaton & Billy Coop      | 875 | “                   |
| Christopher Connors          | 833 | “                   |
| Roy & Anna Moberg            | 849 | “                   |
| Richard & Lynda Hallisey     | 857 | “                   |
| Billy Graham                 | 869 | “                   |
| James & Virginia Biedron     | 145 | “                   |
| Christopher & Maureen Lehman | 867 | “                   |
| James & Nancy Coulter        | 165 | “                   |
| John & Janet Meehan          | 131 | “                   |
| Walter Obermayer             | 105 | “                   |
| Britt & Judy Forman          | 115 | “                   |
| Barbara Beck                 | 139 | “                   |
| Marjorie Scudder             | 121 | “                   |
| Frank & Antoinette Panzarino | 155 | “                   |
| Ron & Caryl Casapulla        | 157 | “                   |
| Mark Gary & Pat Russell      | 129 | “                   |
| Paula Lane                   | 123 | “                   |
| Rodney Ludder                | 159 | “                   |
| William Hughes               | 152 | Whaler Drive        |
| Carl Wennerstrom             | 162 | “                   |
| Raymond Bedat                | 130 | “                   |
| Richard & Margaret Jaeger    | 172 | “                   |
| Garald & Nancy Ann Easton    | 170 | “                   |
| Craig Maberry                | 132 | “                   |
| Sam & Carol Colombo          | 255 | Hammock Shore Drive |
| David Morris                 | 265 | “                   |
| Robert & Ina Ulsamer         | 325 | “                   |
| Thomas Maguire               | 365 | “                   |
| Bradlee Shattuck             | 350 | “                   |
| Gary Parish                  | 405 | “                   |
| Vickie DeBiase               | 360 | “                   |
| Nancy Crawford               | 201 | Osprey Villas Court |

|   |                                   |   |
|---|-----------------------------------|---|
| Harry & Valentine Catalano                | 205                               | “ |
| Edward Shanahan & Sandra Podesta          | 200                               | “ |
| William Offenhauser                       | 206                               | “ |
| Mary Ann Morgan                           | 215                               | “ |
| Thomas & Arlene Beal                      | 220                               | “ |
| Julie Bauman                              | 210                               | “ |
| Richard & Joan Lynch                      | 212                               | “ |
| William & Sherry Burnette                 | 218                               | “ |
| James & Elizabeth Minnes                  | 208                               | “ |
| Grant & Vickie Leslie                     | 202                               | “ |
| Jerry & Mary Cairns                       | 207                               | “ |
| Richard Aschman                           | Unit 502, 140 Warsteiner Way      |   |
| Gary Hanbaum & Robin Whittaker            | Unit 803                          | “ |
| William Connors                           | Unit 302                          | “ |
| Anne Dockery                              | Unit 402, 7415 Aquarina Beach Dr. |   |
| Michael Dockery                           | Unit 402                          | “ |
| Bernard & Eileen D'Ambrosio               | Unit 501                          | “ |
| Blue Heron Homeowners Association         | John Pasetty, President           |   |
| Egret Trace Condominium Association       | Fred Hoffman, President           |   |
| Cranes Point Homeowners Association       | Harlan Rise, President            |   |
| Osprey Villas East Homeowners Association | Richard Jaeger, President         |   |
| St. Andrews Homeowners                    |                                   |   |

**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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- 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.



- 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:

PAO'Riordan

Name:

PATRICK A. O'RiORDAN

Address:

917 AQUARINA BLVD

Telephone No.:

(321) 984-1090

e-mail address:

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**

**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 JANE + THOMAS MCKINLEY, 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:

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  - 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 16 day of February, 2009, \_\_\_\_\_

Name: \_\_\_\_\_

Jane McKinley  
Thomas McKinley

Address: \_\_\_\_\_

903 Aquasina Blvd  
Melbourne Beach,  
Fla 32951

Telephone No.: \_\_\_\_\_

321-729-0967

e-mail address: \_\_\_\_\_

MTKJanetom@yahoo.com

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

And to: Oak Lodge Utility, LLC  
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**DOCKET NO. 0090019-WS**

**NOTICE OF OBJECTION**

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

I/We

*ANGEL SILVINA PERALTA RAMOS*, 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:

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  - 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 11 day of February, 2009,

Silvina B  
Name: Silvina Peralta Ramos

Address: 364 Aquarina

Telephone No.: 724 2496

e-mail address: SILVINA@LEADPEXGROUP.COM

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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