

STATE OF FLORIDA

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OFFICE OF THE GENERAL COUNSEL
MICHAEL G. COOKE
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

March 11, 2009

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COMMISSION
CLERK

Robert and Marilyn Niebur
284 Aquarina Blvd.
Melbourne Beach FL 32951

Re: Docket No. 090019-WS, Application for transfer of majority organizational control of Service Management Systems, Inc., holder of water Certificate No. 517-W and wastewater Certificate 450-S, in Brevard County, from IRD Osprey, LLC to Oak Lodge Utility, LLC.

Dear Mr. and Mrs. Niebur:

Thank you for your letter in which you voiced your objection to the transfer of Service Management Systems, Inc.'s water system in the above referenced docket. You have several options with regard to your level of participation in this matter.

Before acting on your letter, the Commission must know your intent regarding your objection to the above referenced transfer in this docket. If you choose to pursue this protest, you will have certain rights and responsibilities to put on your case, including filing written testimony, participating in motion practice and formal discovery, filing a prehearing statement, attending a prehearing to be held in Tallahassee, Florida, putting on witnesses and cross-examining utility and other witnesses at the hearing, and filing a post-hearing brief. All of these activities will have due dates that will be required to be met by all parties to this proceeding. Although utility customers may represent themselves at formal hearings before the Florida Public Service Commission, it may be preferable to hire counsel or a qualified representative to represent you.

That being said, if you do not wish to pursue a formal hearing, your letter will be placed in the correspondence side of the docket file in this case, where your concerns will remain available for review and informational purposes. Additionally, upon your request, we can send you a copy of staff's recommendation and you may address the Commissioners at the Agenda Conference.

If you wish to initiate a protest proceeding in the above referenced docket, please submit to the undersigned a petition initiating formal proceedings in accordance with the requirements of Rule 28-106.201, Florida Administrative Code, by **Wednesday, March 25, 2009**. Your petition should be made in writing and should be addressed to the Florida Public Service

DOCUMENT NUMBER-DATE

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Commission, Director, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. If we do not hear from you by Wednesday, March 25, 2009, we will assume that you do not wish to pursue a formal hearing and your letter will be placed in the correspondence side of the docket file in the above referenced matter.

If you have any questions regarding the initiation of the protest process or the information contained herein, please do not hesitate to contact the undersigned at (850) 413-6218 or kefleming@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Fleming".

Katherine Fleming, Esq.
Senior Attorney
Office of the General Counsel

cc: Office of Commission Clerk
Service Management Systems, Inc.