

Marguerite McLean

090521-

**From:** Trina Collins [TCollins@RSBattorneys.com]  
**Sent:** Tuesday, December 15, 2009 4:19 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Martin Friedman; Christian W. Marcelli  
**Subject:** Filing in Docket No.: 090521-WS; North Fort Myers Utility, Inc.'s Application for Amendment to Extend its Water and Wastewater Service Area in Charlotte County, Florida  
**Importance:** High  
**Attachments:** PSC Clerk 02 (NOF AOM Entity Notice - Exh G).ltr.12-15-2009.pdf

- a. Martin S. Friedman, Esq.  
 Christian W. Marcelli, Esq.  
 Rose, Sundstrom & Bentley, LLP  
 Sanlando Center  
 2180 W. State Road 434, Suite 2118  
 Longwood, FL 32779  
 Phone: (407) 830-6331  
 Fax: (407) 830-8522  
 Email: [mfriedman@rsbattorneys.com](mailto:mfriedman@rsbattorneys.com)
- b. Docket No.: 090521-WS; North Fort Myers Utility, Inc.'s Application for Amendment to Extend its Water and Wastewater Service Area in Charlotte County, Florida (McNew Ranch) - Filing Notice of Filing Late Filed Exhibit "G" to its Application, which is the Affidavit evidencing that notice of the Application was given in accordance with Section 367.045(2)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code.
- c. North Fort Myers Utility, Inc.
- d. 12 Pages.
- e. Letter to Commission Clerk - 1 page; Notice of Filing Late Filed Exhibit "G" - 1 page; Affidavit of Mailing - 1 page; Notice of Application for an Extension of Water and Wastewater Service Area - 2 pages; and List of Water and Wastewater Utilities in Charlotte County and Lee County -7 pages .

12/15/2009

DOCUMENT NUMBER-DATE  
 11979 DEC 15 8  
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LAW OFFICES

**ROSE, SUNDSTROM & BENTLEY, LLP**

2548 BLAIRSTONE PINES DRIVE  
TALLAHASSEE, FLORIDA 32301

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CHASITY H. O'STEEN  
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JOHN L. WHARTON

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REPLY TO CENTRAL FLORIDA OFFICE

December 15, 2009

CENTRAL FLORIDA OFFICE  
SANLANDO CENTER  
2180 W. STATE ROAD 434, SUITE 2118  
LONGWOOD, FLORIDA 32779  
(407) 830-6331  
FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.  
BRIDGET M. GRIMSLEY  
CHRISTIAN W. MARCELLI  
BRIAN J. STREET

VIA E-FILING

Ann Cole, Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-08500

RE: Docket No.: 090521-WS; North Fort Myers Utility, Inc.'s Application for Amendment to Extend its Water and Wastewater Service Area in Charlotte County, Florida  
Our File No.: 16319.78

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is Late Filed Exhibit "G" to North Fort Myers Utility, Inc.'s Application, which is the Affidavit evidencing that notice of the Application was given in accordance with Section 367.045(2)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code.

Should you have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,

  
FOR  
MARTIN S. FRIEDMAN  
For the Firm

MSF/tlc  
Enclosures

cc: Dr. Joel Schenkman (w/o enclosures)  
Dr. Michael Schenkman (w/o enclosures)  
A.A. Reeves, III, Utility Manager (w/enclosures)

M:\1 ALTAMONTE\NFMUN(.78) SERVICE AREA EXT (McNew Ranch)\PSC Clerk 02 (NOF AOM Entity Notice - Exh G).ltr.doc

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of )  
NORTH FORT MYERS UTILITY, INC. )  
for extension of water and wastewater )  
service in Charlotte County, Florida. )  
\_\_\_\_\_ )

Docket No. 090521-WS

NOTICE OF FILING

Applicant, NORTH FORT MYERS UTILITY, INC. ("NFMU"), by and through its undersigned attorneys, hereby gives notice of filing in the above-referenced docket Late filed Exhibit "G" to its Application, which is the Affidavit evidencing that notice of the Application was given in accordance with Section 367.045(2)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code.

Respectfully submitted this 15<sup>th</sup> day of  
December, 2009, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
Sanlando Center  
2180 W. State Road 434  
Suite 2118  
Longwood, Florida 32779  
(407) 830-6331 Telephone  
(407) 830-8522 Facsimile  
Email: [mfriedman@rsbatttoneys.com](mailto:mfriedman@rsbatttoneys.com)

By: 

MARTIN S. FRIEDMAN FOR

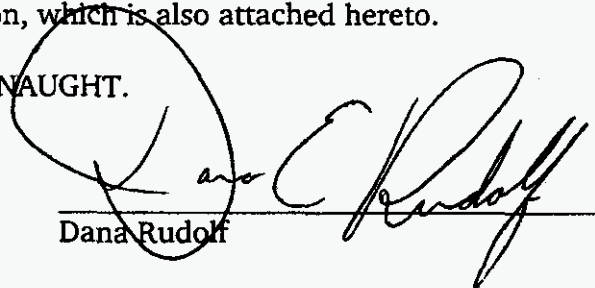
AFFIDAVIT OF MAILING

STATE OF FLORIDA

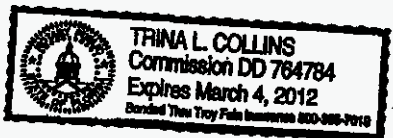
COUNTY OF SEMINOLE

BEFORE ME, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared DANA RUDOLF, who, after being duly sworn on oath, did depose on oath and say that she is the Legal Assistant to Martin S. Friedman, attorney for North Fort Myers Utility, Inc. and that on the 9<sup>th</sup> day of December, 2009, she did send by regular U.S. mail, a copy of the notice attached hereto to each of the utilities, governmental bodies, agencies, or municipalities, in accordance with the list provided by the Florida Public Service Commission, which is also attached hereto.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Dana Rudolf

Sworn to and subscribed before me this 15<sup>th</sup> day of December, 2009, by Dana Rudolf, who is personally known to me.



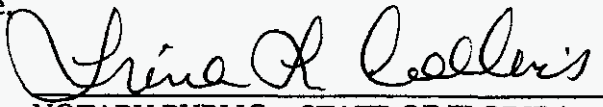
  
\_\_\_\_\_  
NOTARY PUBLIC - STATE OF FLORIDA  
Printed Name: Trina L. Collins  
My Commission Expires: 3-4-12

EXHIBIT "G"

DOCUMENT NUMBER DATE  
11979 DEC 15 8  
FPSC-COMMISSION CLERK

**NOTICE OF APPLICATION FOR AN EXTENSION  
OF WATER AND WASTEWATER SERVICE AREA**

Notice is hereby given on this 9th day of December, 2009, pursuant to Section 367.045(2), Florida Statutes, of the Application of North Fort Myers Utility, Inc., and of its intent to apply to the Florida Public Service Commission for an extension of its service area to provide water and wastewater service to the property in Charlotte County, Florida, more particularly described as follows:

PARCEL 1: All that part of the South Half of the South Half of Section 32 lying east of Tamiami Trail; All of the South Half of the South Half of Section 33; and all that part of the South Half of the South Half of Section 34 lying west of the old Seaboard Air Line Railroad Right-of-Way; All in Township 42 South of Range 24 East; EXCEPTING THEREFROM: From the point of intersection of the South line of said Section 32 with the Easterly right-of-way line of the Tamiami Trail (State Road No. 45) run northwesterly along said right-of-way line 100 feet from the centerline for 57.5 feet to the point of beginning. From said point of beginning, continue Northwesterly along said right-of-way line for 234.5 feet; thence run Northeasterly, perpendicular to said right-of-way line for 710 feet; thence southeasterly parallel to said right-of-way line for 637.8 feet to a point 50 feet, measured on a perpendicular, North of said South line of Section 32; thence run west parallel to said South Line for 816.6 feet to the point of beginning.

PARCEL 2: All that part of the North Half of the South Half of Section 32, lying East of Tamiami Trail; all of the North Half of the South Half of Section 33; and all that part of the North Half of the South Half of Section 34, lying West of the old Seaboard Air Line Railroad right-of-way and West of the Atlantic Coast Line Railroad right-of-way; all in Township 42 South of Range 24 East.

PARCEL 3: All that part of the North Half of the North Half and the North Half of the South Half of the North Half of Section 32 lying east of Tamiami Trail; all of the North Half of the North Half and the North Half of the South Half of the North Half of Section 33; and all that part of the North Half of the North Half and the North Half of the South Half of the North Half of Section 34 lying West of the Atlantic Coastline Railroad right-of-way; all in Township 42 South of Range 24 East.

PARCEL 4: All that part of the South Half of the South Half of the North Half of Section 32, lying East of Tamiami Trail; all of the South Half of the South Half of the North Half of Section 33; and all that part of the South Half of the South Half of the North Half of Section 34 lying West of the Atlantic Coastline Railroad right-of-way; all in Township 42 South of Range 24 East, EXCEPT: from a point of reference commence at the SE corner of the NW 1/4 of Section 32, Township 42, Range 24; from said point of reference run thence N 89°59'28" West, along the South boundary of said NW 1/4, 1425.41 ft. to an intersection with the Easterly right-of-way line of U.S. Highway #41 (State Rd 45), said point of intersection also being the point of beginning; From said point of beginning run thence north 30° 10' 36" W, along the Easterly right-of-way line of U.S. Highway #41, 514.89 ft. to a point; thence S. 89°59'28" E. 516.93 to a point; thence S. 0°0'32" W 445.07 feet to an intersection with the South boundary of said NW 1/4; thence N 89°59'28" W, along the South boundary of said NW 1/4, 258.04 feet to the point of beginning.

PARCEL 5: That part of the S 1/2 of the NW 1/4 of Section 32, Township 42 South, Range 24 East, Charlotte County, Florida, more particularly described as follows: For a point of reference commence at the Southeast Corner of the NW 1/4 of said Section 32; from said point of reference run thence N 89°59'28" W along the South boundary of said NW 1/4 1425.41 feet to an intersection with the easterly right-of-way line of U.S. Highway #41 (State Road No. 45), said point of intersection also being the point of beginning of the lands hereby conveyed; from said point of beginning run thence N 30° 10' 36" W, along the easterly right-of-way of U.S. Highway 41, 514.89 feet to a point; thence S 89°59'28" E, 516.93 feet to a point; thence S 00°00'32" W 445.07 feet to an intersection with the South boundary of said NW 1/4; thence N 89°59'28" W, along the South boundary of said NW 1/4 , 258.04 feet to the point of beginning.

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LESS:

With the exception of the following described property:

Begin at SE corner of Section 32, Township 42 South, Range 24 East, Charlotte County, Florida, thence Northerly along the East line of said Section 32 for 992.07 feet; thence Westerly parallel to the South line of Said Section 32 for 2816.35 feet to the North-easterly right-of-way, 100 feet from center line of State Road 45 (US 41), thence Southeasterly along said right-of-way for 852.86 feet to the most Westerly corner of a parcel previously deeded; then Northeasterly, perpendicular to said right-of-way for 710.00 feet; then Southeasterly, parallel to said right-of-way for 637.8 feet to a point 50 feet, measured on a perpendicular north of south line of said Section 32, thence west parallel to said south line for 816.6 feet to said Northeasterly right of way, thence southerly along said right-of-way for 57.5 feet to the south line of said Section 32; thence easterly along said south line for 222.62 feet to the point of beginning.

PARCEL 6: All that part of Section 31, Township 42 South, Range 24 East lying East of State Road 45 R/W.

PARCEL 7: All that part of the E 1/2 of the Southeast 1/4 of Section 34, Township 42 South, Range 24 East, Charlotte County, Florida, lying southwest of the Seaboard Coast Line Railroad right-of-way, and east of the former Seaboard Air Line Railroad (Old Atlantic Coast Line Railroad) right-of-way.

PARCEL 8: That portion of the Southwest 1/4 of the Southwest 1/4 of Section 35, Township 42 South, Range 24 East, lying Southwesterly of the Seaboard Coastline Railroad right-of-way, Charlotte County, Florida.

PARCEL 9: A parcel of land lying in Section 34, Township 42 South, Range 24 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the South 1/2 of Section 22, Township 42 South, Range 24 East: thence N.89°56'59"W., along the North line of the South 1/2 of Section 22, Township 42 South, Range 24 East, a distance of 3045.31 feet to a point lying on the Northeasterly line of a 100' wide strip of land, formerly known as the Seaboard Air Line Railroad right-of-way and the Point of Beginning; thence S. 11°08'05"E., along said Northeasterly line, a distance of 13,655.13 feet to the South line of Section 34, Township 42 South, Range 24 East; thence N89°54'04"W. along the South line a distance of 101.83 feet; thence N.11°08'05"W. a distance of 15,086.56 feet to the North right-of-way line of Oil Well Road; thence S.89°49'01"E., along said North right-of-way line, a distance of 101.98 feet to said Northeasterly line of a 100' wide strip of land, formerly known as the Seaboard Airline Railroad right-of-way; thence S.11°08'05"E. along said line a distance of 1431.63 feet to the Point of Beginning.

LESS AND EXCEPT that portion of the above-described parcel lying North of the Southerly right-of-way line of Interstate Highway 75.

LESS AND EXCEPT that portion of the above described parcel lying in the Seaboard Coast Line Railroad right-of-way.

Any objections to the Application must be made in writing and filed with the Director, Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than 30 days from the date of this Notice, with a copy to Martin S. Friedman, Esquire, Rose, Sundstrom & Bentley, LLP, 2180 W. State Road 434, Suite 2118, Longwood, FL 32779. The objection must state the grounds for the objection with particularity.

**LIST OF WATER AND WASTEWATER UTILITIES IN CHARLOTTE COUNTY  
(VALID FOR 60 DAYS)  
12/07/2009 - 02/04/2010**

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>CHARLOTTE COUNTY</u>	
AQUA UTILITIES FLORIDA, INC. (WS798) 2228 CAPITAL CIRCLE N.E., SUITE 2A TALLAHASSEE, FL 32308-4306	TROY RENDELL (850) 575-8500
MSKP TOWN AND COUNTRY UTILITY, LLC D/B/A TOWN & COUNTRY UT (WU811) 17837 MURDOCK CIRCLE PORT CHARLOTTE, FL 33948-4000	CHARLES DESANTI (941) 235-6900
MSKP TOWN AND COUNTRY UTILITY, LLC D/B/A TOWN & COUNTRY UT (SU904) 17837 MURDOCK CIRCLE PORT CHARLOTTE, FL 33948-4000	CHARLES DESANTI (941) 235-6900
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
SUN RIVER UTILITIES, INC. (WS922) 5660 BAYSHORE ROAD, SUITE 36 NORTH FT. MYERS, FL 33917-3046	A. A. REEVES (239) 543-1005

**LIST OF WATER AND WASTEWATER UTILITIES IN CHARLOTTE COUNTY  
(VALID FOR 60 DAYS)  
12/07/2009 - 02/04/2010**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

BOARD OF COUNTY COMMISSIONERS, CHARLOTTE COUNTY  
CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE, ROOM 536  
PORT CHARLOTTE, FL 33948-1094

CLERK OF THE CIRCUIT COURT, CHARLOTTE COUNTY  
CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE, ROOM 423  
PORT CHARLOTTE, FL 33948-1094

DEP SOUTH DISTRICT  
2295 VICTORIA AVE., SUITE 364  
FORT MYERS, FL 33901

MAYOR, CITY OF PUNTA GORDA  
326 WEST MARION AVENUE  
PUNTA GORDA, FL 33950-4492

S.W. FLORIDA REGIONAL PLANNING COUNCIL  
1926 VICTORIA AVENUE  
FT. MYERS, FL 33901

S.W. FLORIDA WATER MANAGEMENT DISTRICT  
2379 BROAD STREET  
BROOKSVILLE, FL 34609-6899

SO. FLORIDA WATER MANAGEMENT DISTRICT  
P.O. BOX 24680  
WEST PALM BEACH, FL 33416-4680



**LIST OF WATER AND WASTEWATER UTILITIES IN CHARLOTTE COUNTY  
(VALID FOR 60 DAYS)  
12/07/2009 - 02/04/2010**

UTILITY NAME

STATE OFFICIALS

MANAGER

OFFICE OF PUBLIC COUNSEL  
111 WEST MADISON STREET  
SUITE 812  
TALLAHASSEE, FL 32399-1400

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

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY  
(VALID FOR 60 DAYS)  
12/07/2009 - 02/04/2010**

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>LEE COUNTY</u>	
AQUA UTILITIES FLORIDA, INC. (SU821) 2228 CAPITAL CIRCLE N.E., SUITE 2A TALLAHASSEE, FL 32308-4306	TROY RENDELL (850) 575-8500
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) 12650 WHITEHALL DRIVE FORT MYERS, FL 33907-3619	BONITA VANDALL (239) 277-0718
MSKP TOWN AND COUNTRY UTILITY, LLC D/B/A TOWN & COUNTRY UT (SU904) 17837 MURDOCK CIRCLE PORT CHARLOTTE, FL 33948-4000	CHARLES DESANTI (941) 235-6900
MSKP TOWN AND COUNTRY UTILITY, LLC D/B/A TOWN & COUNTRY UT (WU811) 17837 MURDOCK CIRCLE PORT CHARLOTTE, FL 33948-4000	CHARLES DESANTI (941) 235-6900
NI FLORIDA, LLC (WU920) 10913 METRONOME HOUSTON, TX 77043-2201	KENNETH A. HOFFMAN (850) 681-6788

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY.  
(VALID FOR 60 DAYS)  
12/07/2009 - 02/04/2010**

<u>UTILITY NAME</u>	<u>LEE COUNTY</u>	<u>MANAGER</u>
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		ROBERT EAMES (239) 283-3100
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)  
12/07/2009 - 02/04/2010**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, LEE COUNTY  
P. O. BOX 398  
FT. MYERS, FL 33902-0398

CLERK OF THE 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)  
12/07/2009 - 02/04/2010**

UTILITY NAME

MANAGER

STATE OFFICIALS

OFFICE OF PUBLIC COUNSEL  
111 WEST MADISON STREET  
SUITE 812  
TALLAHASSEE, FL 32399-1400

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