

Marguerite McLean

090521-WS

From: Michele Parks [michele@RSBattorneys.com]
Sent: Wednesday, February 03, 2010 11:11 AM
To: Filings@psc.state.fl.us
Cc: pdaniel@psc.state.fl.us.; Tom Walden; Tony Reeves
Subject: Docket No.: 090521-WS/North Fort Myers Utility
Attachments: PSC Clerk 05 (response to Patti Daniels 1-15-10 ltr).ltr.pdf

- a. Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
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Longwood, FL 32779
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FAX: (407) 830-8522
mfriedman@rsbattorneys.com
- b. Docket No.: 090521-WS; North Fort Myers Utility, Inc.'s Application for Amendmetn to Extend its Water and Wastewater Service Area in Charlotte County
- c. North Fort Myers Utility, Inc.
- d. 6 pages total (3 page letter and 3 pages of attachments)
- e. Response to Patti Daniel's January 15, 2010 Request

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2/3/2010

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REPLY TO CENTRAL FLORIDA OFFICE

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

February 3, 2010

VIA E-FILING

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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:

This correspondence is in response to Patti Daniel's January 15, 2010, correspondence requesting additional information regarding the above-referenced Application.

With regard to evidence that the Utility owns the land where the water plant will be constructed, North Fort Myers Utility ("NFMU") has determined that the more financially feasible option is to purchase water in bulk from Lee County since the proposed development is directly adjacent to Lee County. Obtaining water in bulk will alleviate the necessity for a water treatment plant, and thus, the requirement of Rule 25-30.036 (3) (b), Florida Administrative Code is not applicable.

With regard to the Staff's Data Request, NFMU responds as follows:

1. Since NFMU intends to obtain water service in bulk from Lee County, as NFMU does currently for its existing water customers, there will be no water treatment

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plant constructed.

2. In lieu of constructing a water treatment plant, NFMU will purchase capacity from Lee County at whatever charge is applicable at the time of connection. Lee County Utility's current water capacity fee is \$2,440 per ERC.

3. Enclosed are copies of letters dated January 21, 2009, and July 31, 2009, which comprise the property owners' request to NFMU for water and wastewater service.

4. All of the area requested for amendment is owned jointly by Harper Property Holdings, LLC, as to an undivided 56.157% interest in the property, and McNew Property Holdings, LLC, as to an undivided 43.843% interest in the property.

5. Not applicable.

6. The current development plan for the property consists of 1,198 single family units, 798 multi-family units, 782,512 square feet of commercial retail and office use, and 7.6 million square feet of industrial use. Enclosed is the current proposed site plan.

7. The initiation of development is expected to occur in 2015 with an anticipated build-out date of 2030.

8. The DCA's comments that including this property in NFMU's water and wastewater service area is inconsistent with Charlotte County's Comprehensive Plan is the same argument that the DCA and Charlotte County made in Docket No. 070109-WS with regard to Sun River Utilities, Inc.'s Application for Amendment of its Water and Wastewater Certificates. In Order No.: PSC-08-0243-FOF-WS, issued April 16, 2008, this Commission addressed that issue and concluded that granting the requested territory extension was not inconsistent with the Comprehensive Plan. This decision was, at least in part, based upon the DCA's expert witness, who is the same person who authored the DCA's comments in the instant case, that including the territory in Sun River Utilities' Certificate would not violate the Comprehensive Plan.

9. The difference in the number of units planned and those currently permitted will be resolved through a pending Comprehensive Plan amendment. The Commission in the aforementioned Sun River Utilities' Order acknowledged the necessity to obtain a

Ann Cole, Commission Clerk
Office of Commission Clerk
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commitment for water and wastewater service prior to finalizing development plans and obtaining related approvals.

Should the Staff request any additional information, or clarification regarding the above, they should not hesitate to contact me.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF/mp
Enclosures

cc: Ms. Patti Daniel (w/enclosures) (via e-mail)
Mr. Tom Walden (w/enclosures) (via e-mail)
A.A. Reeves, III, Utility Manager (w/enclosures) (via e-mail)

M:\1 ALTAMONTE\NPMU\(.78) SERVICE AREA EXT (McNew Ranch)\PSC Clerk 04 (NOF Affidvt of Publication - Exh I).ltr.doc

5571 HALIFAX AVENUE
FORT MYERS, FL 33912

January 21, 2009

PHONE: 239/454-4999

FAX: 239/454-2773

Mr. A.A. (Tony) Reeves
North Fort Myers Utility, Inc.
P.O. Box 2547
Fort Myers, 33902

JAN 28 2009

Re: McNew Ranch-Charlotte County

Dear Mr. Reeves,

Thanks for meeting with Ron Inge, Drew Fitzgerald and me concerning our property in North Fort Myers, just on the north side of the Charlotte/Lee County line and bordered by US 41 and I-75.

My partner, Daniel R. Harper, and I request that the property described in the legal description referenced below be added to the North Fort Myers Utility, Inc. franchise area for water and wastewater service

Attached please find the following legal descriptions:

- Our initial 1504 acre parcel acquired in 1981
- The Zemel ROW acquired in 2006
- The Fort Myers Little Ranches and adjacent parcel, acquired in 2002
- The outparcel on the southwest corner of the McNew Ranch can be included by noting that all of Section 32, Township 42 South, Range 24 East, lying east of the Tamiami Trail is included. Since we own the balance of the section east of the ROW, this should cover the outparcel.

We have also enclosed an aerial depicting the property. Please let us know what additional information you may require and we look forward to working with you on this project.

Sincerely,



Quinton B. McNew
McNew Ranch

cc: Daniel R. Harper
Ronald E. Inge
Drew Fitzgerald

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5571 HALIFAX AVENUE
FORT MYERS, FL 33912
July 31, 2009

PHONE: 239/454-4996
FAX: 239/454-2773

Mr. A.A. (Tony) Reeves
North Fort Myers Utility, Inc.
P.O. Box 2547
Fort Myers, 33902

Re: McNew Ranch-Charlotte County

Dear Mr. Reeves,

Please consider this letter as a follow-up to our previous letter of January 21, 2009 regarding the property Dan Harper and I own in North Fort Myers, on the north side of the Charlotte/Lee County line, and bordered by US 41 and I-75. We requested that our property be included in the North Fort Myers Utility, Inc. water and sewer franchise and service areas. We have been informed that the cost for this addition to the service area will be approximately \$10,000, assuming no protests, and that we are responsible for this cost.

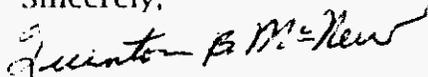
The parcels that we request be included in your franchise and service area are identified below, by their Charlotte County tax parcel numbers.

Please advise what additional information you will need to pursue this request.

The parcel tax numbers are:

422432200001
422434300001
422433100001
422432100001
422435300003
422434400001

Sincerely,



Quinton B. McNew
McNew Ranch

cc: Daniel R. Harper
Ronald E. Inge
Drew Fitzgerald

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Legend

-  Employment Center
-  Commercial / Village Center
-  Residential
-  Open Space (Recreation)
-  Open Space (Buffers, Recreation, SWMA, Trails)
-  Open Space (Wetlands)
-  Open Space (Freshwater Marsh)
-  Open Space (Preserved Uplands)
-  Rural Mixed-Use Development Boundary

Site Data

Employment Center		
Preservation Areas (Wetlands, Freshwater Marsh, Uplands)		50.6
Upland Buffers		18.2
Upland Development Area (Parcels and R.O.W.)		483.8
Subtotal - Total Upland Area		500.0
Total Employment Center Acreage		530.6
Rural Mixed Use		
Commercial Allowed (Total RMU x .03)		30.0
Open Space Required (Total RMU x .55)		349.1
Open Space Provided		353.0
Preservation Areas (Wetlands, Freshwater Marsh, Uplands)		410.4
Buffers / SWMA / Other		142.6
Recreation Required (Total RMU x .05)		40.9
Net Residential Development Area*		368.9
Total Rural Mixed Use Acreage		998.4
Total Acreage		1549.0

*Estimated Residential Units @ 7 Dwelling Units per acre = (998.4 x 7) = 1997 Dwelling Units
 *Net Residential Development is Total Rural Mixed Use Acreage minus required open space, required recreation, and allowed commercial.


COURT STREET
 CONSULTANTS
 Planning • Engineering • Project Management
DELSI FITZGERALD, INC.
 Planning • Engineering • Project Management

Conceptual Master Plan McNew Ranch

Charlotte County, Florida

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