

Ruth Nettles

100094-WS

From: Greene, Angela [agreene@ngn-tally.com]
Sent: Thursday, March 11, 2010 3:09 PM
To: Filings@psc.state.fl.us
Cc: Armstrong, Brian
Subject: Docket No. 100094-WS
Attachments: letter to Receiver 3-11-10.pdf

Angela Greene

Legal Assistant for Brian Armstrong, Esq.
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308
Phone: (850) 224-4070
Fax: (850) 224-4073
agreene@ngnlaw.com

Docket No.: 100094-WS

In Re: Compass Bank v. Service Management Systems, Inc.

Name of Document: Letter to Dennis Basile dated March 11, 2010 regarding receivership

No. of Pages: 2

Party: Aquarina Community Services Association

3/11/2010

DOCUMENT NUMBER-DATE

01675 MAR 11 2

FPSC-COMMISSION CLERK

TALLAHASSEE
Suite 200
1500 Mahan Drive
Tallahassee, Florida 32308
(850) 224-4070 Tel
(850) 224-4073 Fax

**Nabors
Giblin &
Nickerson** P.A.
ATTORNEYS AT LAW

FORT LAUDERDALE
208 S.E. Sixth Street
Fort Lauderdale, Florida 33301
(954) 525-8000 Tel
(954) 525-8331 Fax

TAMPA
Suite 1060
2502 Rocky Point Drive
Tampa, Florida 33607
(813) 281-2222 Tel
(813) 281-0129 Fax

March 11, 2010

*Via U.S. Mail and
Electronic Correspondence*

Dennis Basile
826 Creel Street
Melbourne Beach, FL 32951-0388

Re: Service Management Systems, Inc. Receivership
Docket No. 100094-WS

Dear Mr. Basile:

Please be advised that this firm represents the Aquarina Community Services Association ("Customers") which constitutes approximately 90% of the customer base of Service Management Systems, Inc. ("SMS"). I have been requested to inform you that the Customers appreciate your services to date and your willingness to share your findings concerning the current state of operations and management of the SMS system. We note that the order appointing you as receiver required that you prepare and provide an annual budget of revenue and operating expenses and that the deadline for establishing such budget has passed. We also note that you are required to file monthly operating reports as well as an inventory of SMS system assets. By this letter, the Customers request copies of these documents be provided to this firm, on their behalf, at your earliest possible convenience.

The Customers further advise you that they have been deprived of receipt of a copy of an appraisal which apparently has been performed on behalf of the bank by GAI Consultants, Inc. This appraisal was denied to the Customers with the suggestion that it was proprietary or somehow confidential to the bank. However, the Customers have been informed that the appraisal apparently has been provided to other parties, including private utilities from which bids to purchase the SMS system have been solicited. The Customers object to this disparity in treatment and request your assistance in remedying such actions in the future to the extent such remedies are within your power to grant. Could you obtain the appraisal and provide it to Customers?

DOCUMENT NUMBER - DATE
01675 MAR 11 2010
FPSC-COMMISSION CLERK

Dennis Basile
March 11, 2010
Page 2 of 2

Please do not hesitate to contact me at (850) 322-4097 if you have any questions regarding this request or believe that there is some reason for which these requests cannot be granted. We look forward to your continued assistance and cooperation in these critical matters of water and wastewater service to the Customers of the SMS system.

Very truly yours,



Brian P. Armstrong

cc: Florida Public Service Commission Clerk
Bruce May, Esq.