

RECEIVED-FPSC

GISTRO INC 10 DEC -2 AM 9: 21
A FLORIDA CORPORATION

PO BOX 366 762
BONITA SPRINGS
FLORIDA 34136
(239) 4 95 8089 PB
(239) 495 8089 FAX

COMMISSION
CLERK

H

November 29, 2010

RECEIVED
-2 PM 7:13
GOM

100453-SU

Clark of office
Public Service Commission
2540 Shumard Boulevard
Tallahassee FL.32399- O865

Dear Clare of Office

Gistro Inc is kindly requesting the reissue of a certificate of Authority for the Forest Mere development in Bonita Springs Southern Pines Dr. FL. 34135. If there are some information for rhe issuance of the certificate not included in this Mailing, pleas let us know what is still needed. We will immediately respond to your Request. Please also do let us know the amount due for the filing fee. We will immediately take care of this as well.

Most Sencirely

J. Fritz Holzberg
Gistro Inc.
J. Fritz Holzberg

- COM _____
- APA _____
- ECR J
- GCL J
- RAD _____
- SSC _____
- ADM _____
- OPC _____
- CLK Grant

DOCUMENT NUMBER-DATE

09716 DEC-2 0

FPSC-COMMISSION CLERK

100453-SU

APPLICATION FOR ORIGINAL CERTIFICATE
FOR A PROPOSED OR EXISTING SYSTEM REQUESTING
INITIAL RATES AND CHARGES
(Pursuant to Section 367.045, Florida Statutes)

To: Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

The undersigned hereby makes application for original certificate(s) to operate a water _____ and/or wastewater XX utility in Lee County, Florida, and submits the following information:

PART I APPLICANT INFORMATION

A) The full name (as it appears on the certificate), address and telephone number of the applicant:
Gistro, Inc. Corporation 26510 S. Pines Dr. (941) 495-8089

Name of utility _____
239 495-8089 239 95-8089
Phone No. Fax No.
26510 Southern Pines Dr.

Office street address _____
Bonita Springs FL 34135
City State Zip Code
P.O. Box 366-762 Bonita Springs, FL 34136

Mailing address if different from street address _____

Internet address if applicable HLZBRG @ EMBARRAEMAIL.COM

B) The name, address and telephone number of the person to contact concerning this application:

J. Fritz Holzberg 495-8089
Name Phone No.
26510 Southern Pines Dr.

Street address _____
Bonita Springs FL 34135
City State Zip Code

PART X AFFIDAVIT

I J. Fritz Holzberg (applicant), do solemnly swear or affirm that the facts stated in the foregoing application and all exhibits attached thereto are true and correct and said statements of fact thereto constitutes a complete statement of the matter it relates.

BY: J. Fritz Holzberg
Applicants's Signature
J. Fritz Holzberg

Applicants Name (typed)
President

Applicants Title

Subscribed and sworn by to before me this 26th day of November month
In the year of 2010 by J. Fritz Holzberg is personally known to
Me-----or produced identification -----

Type of identification produced

L. Gall
Notary Public's Signature



Print date licence commissioned
Name of Notary Public's com.inc

If applicant is a corporation ,the affidavit must be made by the president or the officer authorized by the laws Of the corporation to act for it. If applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

C) Indicate the organizational character of the applicant: (circle one)

Corporation

Partnership

Sole Proprietorship

Other _____

(Specify)

D) If the applicant is a corporation, indicate whether it has made an election under Internal Revenue Code Section 1362 to be an S Corporation:

Yes X No _____

E) If the applicant is a corporation, list names, titles and addresses of corporate officers, directors, partners, or any other person(s) or entities owning an interest in the applicant's business organization. (Use additional sheet if necessary).

Fritz Holzberg, President

F) If the applicant is not a corporation, list names and addresses of all persons or entities owning an interest in the organization. (Use additional sheet if necessary.)

N/A

PART II NEED FOR SERVICE

A) Exhibit 1 - A statement regarding the need for service in the proposed territory, such as anticipated (or actual) development in the area. Identify any other utilities within the area proposed to be served which could potentially provide such service in the area and the steps the applicant took to ascertain whether such other service is available.

B) Exhibit 2 - A statement that to the best of the applicant's knowledge, the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan, as approved by the Department of Community Affairs at the time the application is filed. If the provision of service is inconsistent with such plan, provide a statement demonstrating why granting the certificate would be in the public interest.

PART III SYSTEM INFORMATION

A) WATER

(1) Exhibit N/A - A statement describing the proposed type(s) of water service to be provided (i.e., potable, non-potable or both).

(2) Exhibit N/A - The number of equivalent residential connections (ERCs) proposed to be served, by meter size and customer class. If development will be in phases, separate this information by phase. In addition, if the utility is in operation, provide the current number of ERCs by meter size and customer class.

(3) Description of the types of customers anticipated (i.e., single family, mobile homes, clubhouse, commercial, etc.):

N/A

(4) In the case of an existing utility, provide the permit number and the date of approval of facilities by the Department of Environmental Protection (DEP) or the agency designated by DEP to issue permits:

N/A

(5) Indicate the design capacity of the treatment plant in terms of equivalent residential connections (ERCs) and gallons per day (gpd). If development will be in phases, separate this information by phase.

N/A (ERCs) _____ (GPD)

(6) Indicate the type of treatment: _____

(7) Indicate the design capacity of the transmission and distribution lines in terms of ERCs and gpd. If development will be in phases, separate this information by phase.

N/A

(8) Provide the date the applicant began or plans to begin serving customers:

N/A

- (9) Exhibit N/A - Evidence, in the form of a warranty deed, that the utility owns the land where the water facilities are or will be located. If the utility does not own the land, a copy of the agreement which provides for the long term continuous use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.

The applicant may submit a contract for the purchase and sale of land with an unexecuted copy of the warranty deed provided the applicant files an executed and recorded copy of the deed, or executed copy of the lease, within thirty days after the order granting the certificate.

B) WASTEWATER

- (1) Exhibit _____ - The number of equivalent residential connections (ERCs) proposed to be served, by meter size and customer class. If development will be in phases, separate this information by phase. In addition, if the utility is in operation, provide the current number of ERCs by meter size and customer class.

- (2) Description of the types of customers anticipated (i.e., single family, mobile homes, clubhouse, commercial, etc.):

159 Single Family and 118 Multi-Family

- (3) In the case of an existing utility, provide the permit number and the date of approval of facilities by the Department of Environmental Protection (DEP) or the agency designated by DEP to issue permits:

- (4) Indicate separately the design capacity of the treatment plant and effluent disposal system in terms of equivalent residential connections (ERCs) and gallons per day (GPD). If development will be in phases, separate this information by phase.

N/A Currently treatment by BSUS

- (5) Indicate the method of treatment and disposal (percolation pond, spray field, etc.):

N/A Currently treatment by BSUS

PART IV

A) EXHIBIT 1

Owner is operating the facility since 1984

Without collecting fees from the homeowners.

All operating expenses until this day are being

Paid by the owner using his own funds. Construction

Were all paid by the owner.. The facility is free

And clear.

After receiving the certificate the owner for the first

Time since operation began 26 years ago will be able

To collect fees.

For the last 26 years the owner never had problems

Maintaining the facility.

Part 11

A) Exhibit 1

This system has been built since 1984 when
Bonita Springs did not have a city sewer. We are
We are serving the community from the time the
Development begun to operate.
Our plant has been turned of since 1982.
As of this date BSU. Is only treating our
Sewage but collecting all the fees. Which is wrong.

FOREST MERE SUBDIVISION
SANITARY SEWER COST

LIFTSTATIONS	2 EA	\$ 54.600	\$ 109.200
4" FORCE MAIN	1314 LF	6.80	8.935
8" PVC	7488 LF	15.85	118.843.30
4 MANHOLE	27 EA	2.050	55.350
6" PVC LATERAL	4590 LF	11.90	54.621
6" CLEANOUT	? 271 EA	230.00	62.330
BLASTING	1 LS		15.000
ENGINEER PLANNING			60.000
PERMITS AND DOCS			10.000
LAND CLEARING AND PREP.			14.000
LAND FOR PLANT	1 ACRE		20.000
SEWAGE TREATMENT PLANT			240.000
6 LOTS FOR PERCULATION POND			240.000
DEVALUATION OF 8 LOTS AROUND PLANT			120.000
FLUDDING DURING CONSTRUCTION OF PHASE 2			\$ 23.000
FLUDDING DURING CONSTRUCTION OF PHASE 3			\$ 38.000
MAINTENANCE COST FOR 5 YEARS			\$ 60.000
MAINTENANCE COST THE LAST 10 YEARS			\$ 60.000
REPAIRS AND PART REPLACEMENT			\$ 25.000
LEGAL COST			\$ 25.000
MANAGEMENT COST			\$ 30.000
INTEREST COST ON TOTAL FOR 16 YEARS			\$ 1.008.000
INTEREST ON INTEREST			
ADDITIONAL COST ,FLOODING PHASE 2			\$ 25.000
ADDITIONAL COST FLOODING PHASE 3 .ING MISTAKE			\$ <u>25.000</u>
			\$.2.447.279

Exhibit B (1)

Total Project

141 Single Family

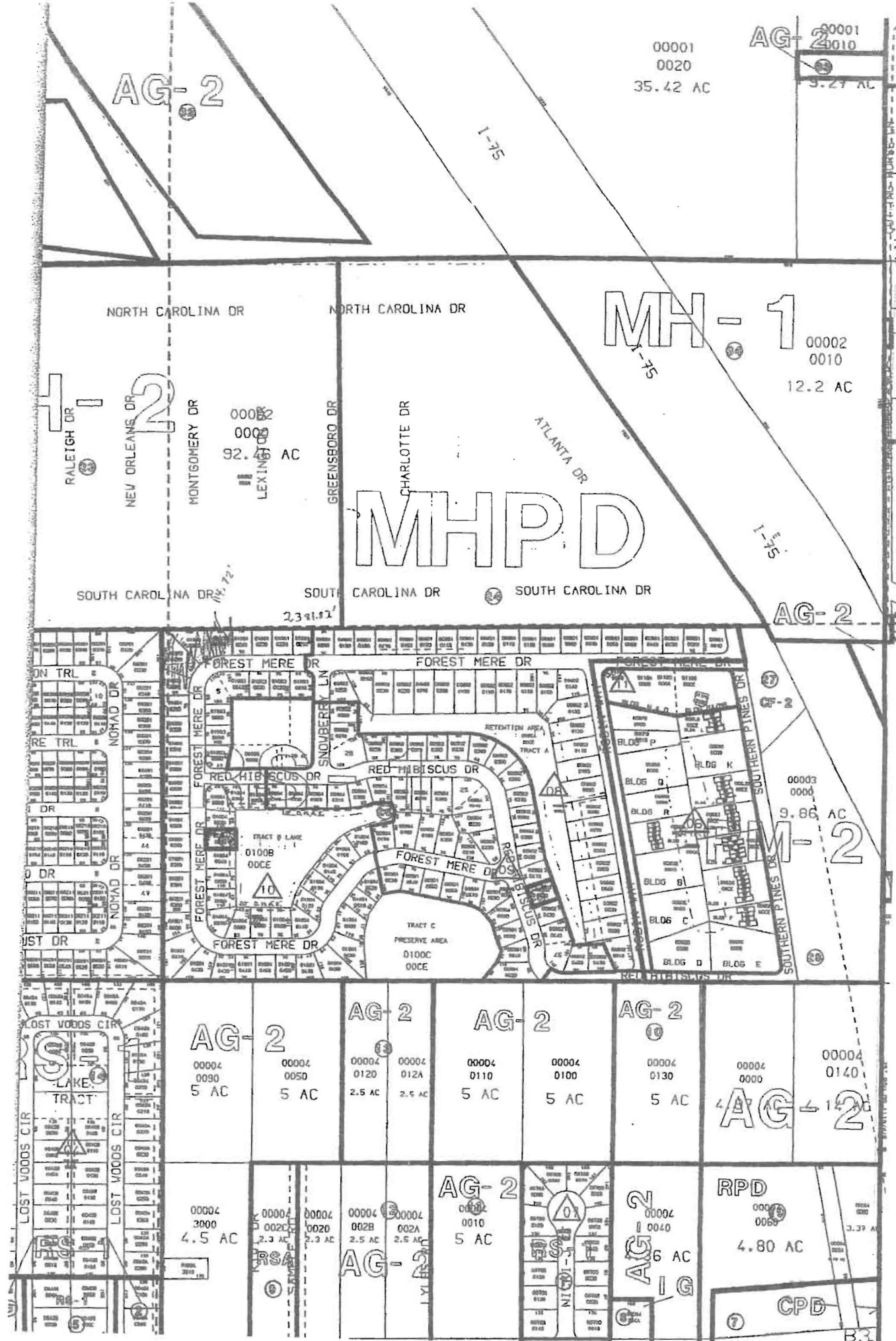
118 Multi Family

259

Existing homes

Single family 141

Multi family 49



AG-2

00001
0020
35.42 AC

AG-2
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3.27 AC

NORTH CAROLINA DR

NORTH CAROLINA DR

MH-1

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12.2 AC

RALEIGH DR
NEW ORLEANS DR
MONTGOMERY DR

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92.46 AC
LEXING

GREENSBORO DR

CHARLOTTE DR

ATLANTA DR

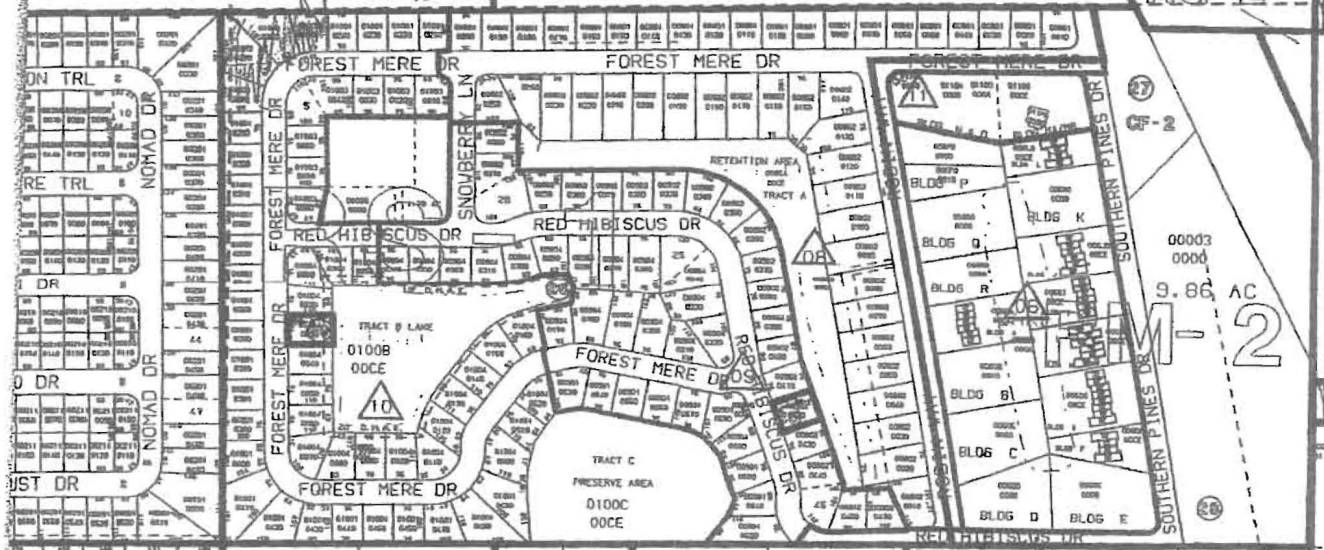
MHP D

SOUTH CAROLINA DR

SOUTH CAROLINA DR

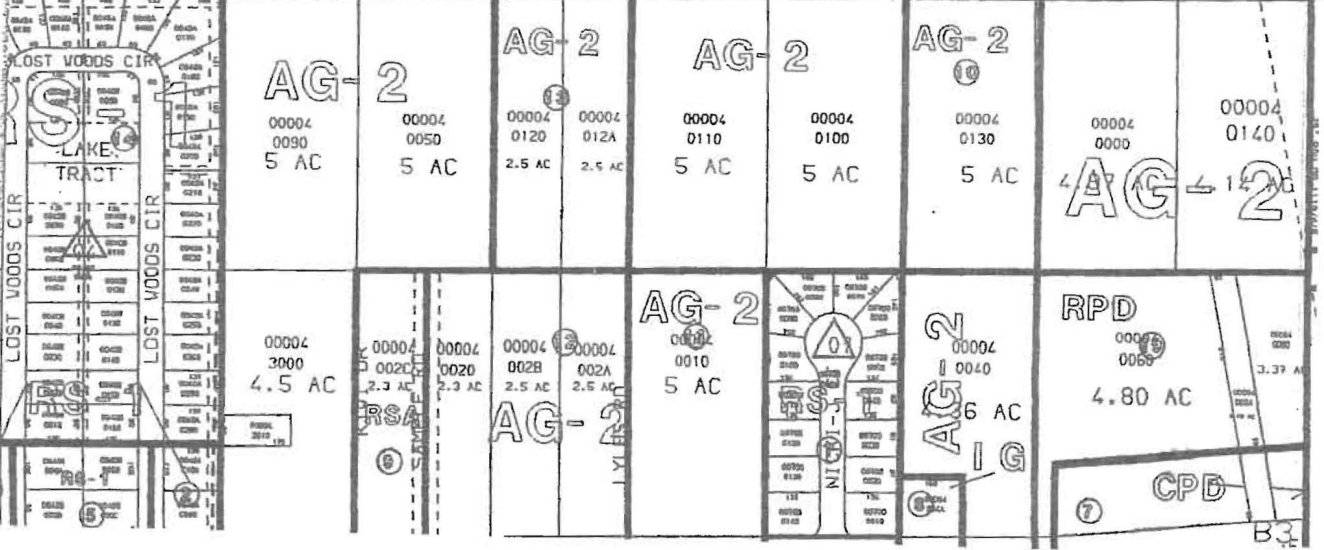
SOUTH CAROLINA DR

AG-2



00003
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9.86 AC

M-2



AG-2

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AG-2

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0140
3.37 AC

AG-2

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4.5 AC

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0020
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2.5 AC

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002A
2.5 AC

AG-2
0010
5 AC

AG-2
0040
6 AC

RPD
0000
0060
4.80 AC

CPD

Q. GRADY MINOR, P.E.

CIVIL ENGINEER

10276 BONITA BEACH ROAD S.E.
BONITA SPRINGS, FLORIDA 33923
(813) 947-1144

OFF REC 1716 PC3230

EXHIBIT A

TO DECLARATION OF COVENANTS,
RESTRICTIONS, EASEMENTS,
CHARGES AND LIENS

LEGAL DESCRIPTION OF

LEGAL DESCRIPTION OF THE PROPERTIES

FOREST MERE SUBDIVISION

The North 1/2 of the Southeast 1/4 of Section 25, Township 47 South, Range 25 East, less Interstate right-of-way, Lee County, Florida. Containing 74.78 acres more or less.

LESS and excepting the following described parcel:

FOREST MERE

LEGAL DESCRIPTION OF SEWAGE TREATMENT PLANT SITE

That portion of land lying in the North 1/2 of the Southeast 1/4 of Section 25, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows: Commencing at the East 1/4 corner of Section 25, Township 47 South, Range 25 East, thence run S 89° 14' 12" W a distance of 2381.52 feet to the Point of Beginning; thence run S 0° 45' 48" E a distance of 114.85 feet to a point on a curve with it's center point on a bearing of S 28° 25' 16" W having a radius of 130.00 feet, thence run southwesterly along the arc of said curve 109.08 feet to a point of tangency, thence run S 13° 30' 11" W a distance of 215.70 feet, thence run S 88° 54' 12" W a distance of 141.72 feet, thence run N 1° 05' 48" W a distance of 405.29 feet, thence run N 89° 00' 00" E a distance 262.11 feet to the Point of Beginning. Containing 1.01 acres more or less.

(92)

Part of the transcript of a hearing on March 14, 2007 with Judge Gerald Jr.

In the Fort Myers Justice Center.

DOCUMENT NUMBER DATE

09716 DEC-20

FPSC-COMMISSION CLERK

1 hearing was continued by Judge Rosman.

2 We've provided the discovery. Now we have
3 reset the motion. So it has not been ruled on by
4 Judge Rosman, Your Honor.

5 THE COURT: In the agreement, how do we know
6 when it ends? Don't we have to have some parameters
7 of when a contract ends? It can't go on
8 indefinitely.

9 MR. SHIPPY: Your Honor, I would suggest to
10 The Court that the purpose and the effect of the
11 agreement has already been satisfied. I'm not here
12 to -- I'll give you the background if The Court
13 cares to hear about it. I don't want to be
14 proffering evidence.

15 But the bottom line is the agreement -- Bonita
16 Springs Utilities --

17 THE COURT: I've read the agreement. I just
18 want to see, there isn't a --

19 MR. SHIPPY: It's been fully executed, Your
20 Honor. Its purpose has been satisfied.

21 THE COURT: But, in the wording of the
22 contract, there's no termination date, so it has to
23 come --

24 MR. SHIPPY: And my point is it's been
25 satisfied, Your Honor. It served its purpose.

1 THE COURT: So, in some ways you're agreeing
2 with the Defendant -- the Plaintiff, rather, in the
3 idea that the contract really doesn't exist anymore,
4 because it's been fully executed? I know you're
5 coming at it from a different angle.

6 MR. SHIPPY: I suppose that's one way to look
7 at it. We think it's immaterial to the allegations
8 of their complaint.

9 THE COURT: What else do you want to tell me?
10 I didn't mean to interrupt you.

11 MR. SHIPPY: I was simply going to say, the
12 purpose behind the presale agreement was, when
13 Bonita Springs Water System embarked on becoming a
14 waste water or sewer utility, Your Honor, in order
15 to be able to sell the bonds, which is what they
16 used to finance the infrastructure and the purchase
17 of the waste water treatment plant, they went out --
18 and this is not the only agreement. There were
19 several presale agreements that were entered into
20 with local package plants.

21 And the purpose for that was they needed to
22 have some evidence to show to the people who might
23 buy the bonds, look, we're going to have customers
24 who have committed to connect to this system if and
25 when we make it available to them.

1 as a result of an injunction entered by Your Honor.

2 THE COURT: Just as an aside, is Mr. Burandt
3 right, though, that Forest Mere has to maintain and
4 keep these lines and gets no compensation? /

5 MR. SHIPPY: The reason they don't get any
6 compensation, Your Honor, is because they won't
7 follow through with the PSC. One of the documents
8 that will be provided to The Court today is a
9 recommendation from the Public Service Commission
10 staff that says, yes, you're going to be recognized
11 as a utility, and you're also going to be able to
12 charge monies for it.

13 The rub came, Your Honor, is that Mr. Holzberg
14 was asking for \$96,000 a year. The staff was
15 recommending an award of about -- or rates and
16 charges equal to about 21,000, which it turned out
17 to be about 22 percent of the amount of the monies
18 that they were seeking.

19 THE COURT: I don't need to get into that. I
20 just wanted to know what was happening.

21 All right, I'm going to reserve on the summary
22 judgment. I just need to think about it. Let's go
23 ahead and talk about what else you got. You want to
24 talk about the injunction?

25 MR. BURANDT: Yes, Judge. We filed a motion

Bonita Springs utility rate hike rejected

Water, sewer bills will increase by minimum

By Christina Cepero • ccepero@news-press.com
• August 5, 2010

1:10 A.M. — Bonita Springs Utilities customers' water and sewer rates will increase by 2.4 percent in 2010-11.

The Bonita Springs City Council voted 4-2 Wednesday to reject BSU's proposal for a 3.5 percent rate hike.

Mayor Ben Nelson and Councilwoman Janet Martin dissented. Councilman Steve McIntosh, who serves on the BSU board, abstained.

The average BSU customer household pays almost \$80 a month, so the rate will rise by about \$1.92 per month effective Sept. 1, or \$23 more for the year.

The nine-member BSU board voted in May in favor of a 3.5 percent increase in rates each year for the next three years. By law, the utility may increase rates every year as long as the increase is consistent with the local Consumer Price Index, which is 2.4 percent.

Because the proposed increase was 1.1 percent above the Consumer Price Index, that approval rested with City Council.

Andrew Woodcock of Tetra Tech, who reviewed BSU's proposed rate increases for the city at a \$5,000 cost, recommended a 3.5 percent rate increase for fiscal year 2010, but that those for fiscal years 2011 and 2012 be deferred until the Consumer Price Indices are published.

BSU serves 40,000 customers in a 60-square-mile radius that includes Bonita Springs and parts of Estero.

Public Resources Management Group — the consulting firm that reviewed and recommended the rate increase to BSU — attributed the proposed increases to lower than projected growth, declining water use, rising costs and refinancing \$50 million

in long-term debt.

Fred Partin, BSU's executive director, said costs were cut by eliminating 16 staff positions, using reserves to decrease bond debt, capping the utility's contribution toward employee health insurance and stopping the water conservation calendar. BSU has been advised that without the 3.5 percent increase, it'll pay a higher interest rate on its bonds.

"It was a bad and imprudent and reckless decision to have interest-only loans," said resident David Jaye, one of four individuals who spoke against a rate increase.

Four spoke in support of a rate increase, including one on behalf of the Estero Council of Community Leaders.

Mayor Nelson said not raising the rate enough now could mean much higher rates in future years.

Councilman Steven Slachta questioned the planned 2 percent raise for BSU employees.

The utility has \$10 million available in reserves.

"I can't understand why those few hundred thousand dollars cannot be absorbed by the sizeable surplus," said resident Ron Pure.

City Attorney Audrey Vance said BSU could sue the city, claiming council didn't base its decision on evidence.

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