

Diamond Williams

110061-WS

From: Kelly Sullivan [KSullivan@deanmead.com]
Sent: Monday, April 25, 2011 5:27 PM
To: Filings@psc.state.fl.us
Cc: 'mfriedman@rsbattorneys.com'; 'dennis@dbasile.com'; 'minnes.j@gmail.com'
Subject: Notice of Objection and Request for Hearing Docket 110061-WS
Attachments: Notice of Objection PSC Docket 110061-WS (O0588817-2).DOC

a. This filing is made by:

Kelly Sullivan - Attorney at Law
 Dean, Mead, et al
 800 N. Magnolia Ave., Suite 1500, Orlando, FL 32803
 Phone: (407) 428-5116
 Email: ksullivan@deanmead.com

b. Docket 110061-WS

In re: Application for Authority to Transfer the Assets of Service Management Systems, Inc., and Certificate Nos. 517-W and 450-S to Aquarina Utilities, Inc. in Brevard County, Florida.

c. Filed on behalf of:

Aquarina Community Services Association, Inc.
 450 Aquarina Boulevard
 Melbourne Beach, FL 32951

d. Attached hereto is a Notice of Objection and Request for Hearing. There are 4 pages.

Thank you,
 Kelly Sullivan

	<p>Kelly Sullivan Attorney at Law 407-428-5116 KSullivan@deanmead.com cell: 407-489-4206</p>
<p>Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A. 800 North Magnolia Avenue, Suite 1500 Orlando, Florida 32803 407-841-1200 · Fax 407-423-1831 www.deanmead.com · www.floridatrustsstatesblog.com</p>	

DOCUMENT NUMBER-DATE
 02848 APR 26 =
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4/26/2011

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Authority to Transfer
the Assets of Service Management Systems,
Inc., and Certificate Nos. 517-W and 450-S
to Aquarina Utilities, Inc. in Brevard County,
Florida

DOCKET NO.: 110061-WS

FILED: April 25, 2011

Amended Notice of Objection and Request for Hearing

Pursuant to section 367.045(3), Florida Statutes, Aquarina Community Services Association, Inc., through its undersigned attorney, hereby files an Amended Notice of Objection and Request for Hearing in the above-captioned docket. In support thereof, the petitioner states as follows:

1. Name and address of the affected agency:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

2. Name and address of the petitioner:

Aquarina Community Services Association, Inc.
450 Aquarina Boulevard
Melbourne Beach, FL 32951

3. Service. The name and address of the person authorized to receive notices and communications in respect to this Notice of Objection and Request for Hearing is:

Kelly Sullivan - Attorney at Law
Dean, Mead, et al
800 N. Magnolia Ave., Suite 1500, Orlando, FL 32803
Phone: (407) 428-5116
Email: ksullivan@deanmead.com

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4. Notice of Docket. Petitioner received notice of this docket from Aquarina Utilities, Inc., and from reviewing the above-captioned docket on the Florida Public Service Commission (FPSC) website.

5. Statement of Disputed Issues of Material Fact. The Application for authority to transfer the assets of the utility is deficient in that it does not meet all the requirements of 25-30.037 F.A.C. Among other items required by the referenced rule, there is no list of and the dollar amount of the assets purchased and liabilities assumed or not assumed; there is no statement of financing to include all entities upon which the applicant is relying on for funding; and, there is no showing that the applicant is financially able to own and operate the utility.

6. Statement of Facts Alleged. Petitioner is the homeowner's association for the Aquarina community which is served by the utility. The petitioner has a substantial interest in the above-captioned docket as Commission approval of the transfer will impact petitioner's ability to perform its duties to the community and maintain property values. Petitioner owns the golf course property and leases same to R.A. M. Golf Management, LLC. The water and wastewater bill constitutes a significant portion of the petitioner's monthly expenses and an even greater portion of the golf course operator's monthly expenses. The golf course operator estimates annual revenues to the utility from its operations to be \$60,000. If the golf course is unable to operate successfully, the utility will suffer as well. The gallons of water the utility has billed the golf course operator are not possible to generate via the irrigation well that is being used. On average, the golf course operator is being billed for 485,000 gallons per day for a 67-acre golf course. This amount of water on the golf course would cause significant puddling or wash-outs. The fire hydrants either

do not work at all or do not work properly. The water pressure fluctuates and has caused over \$25,000 in damages to the golf course irrigation system.

7. Request for Hearing. Petitioner requests a hearing pursuant to section 120.569, Florida Statutes.

WHEREFORE, the petitioner respectfully requests the Commission to enter petitioner's Notice of Objection and Request for Hearing in the above-captioned docket.

s/ Kelly Sullivan
Kelly Sullivan - Attorney at Law
Attorney for Petitioner
Florida Bar No. 814024
800 N. Magnolia Ave.
Orlando, FL 32803
Phone: (407) 428-5116
Email: ksullivan@deanmead.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following via Electronic Mail this 25th day of April, 2011 to all parties of record as indicated below.

s/ Kelly Sullivan
Kelly Sullivan - Attorney at Law
Attorney for Petitioner
Florida Bar No. 814024
800 N. Magnolia Ave.
Orlando, FL 32803
Phone: (407) 428-5116
Email: ksullivan@deanmead.com

<p>Martin S. Friedman, Esquire Rose, Sundstrom & Bentley, LLP 766 N. Sun Drive, Suite 4030 Lake Mary, FL 32746 PHONE: (407) 830-6331 FAX: (407) 830-8522 E-MAIL: mfriedman@rsbattorneys.com</p>	<p>Service Management Systems, Inc. Mr. Dennis Basile, Receiver 826 Creel Street Melbourne, FL 32935-5992 Phone: (321) 751-1200 FAX: (321) 427-9560 Email: dennis@dbasile.com</p>
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