

FLORIDA UTILITY SERVICES 1, LLC

3336 GRAND BOULEVARD • SUITE 102 • HOLIDAY, FLORIDA 34690

352-302-7406 • MICHAELSMALLRIDGE@GMAIL.COM

FILED APR 29, 2015
DOCUMENT NO. 02380-15
FPSC - COMMISSION CLERK

RECEIVED FPSC
15 APR 29 AM 9:12

COMMISSION
CLERK

April 23, 2015

Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL. 32399

Re: Petition to defer costs for West Lakeland Wastewater, Inc.

Dear Commission Clerk:

West Lakeland Wastewater, Inc is requesting the Florida Public Service Commission allow the utility to defer attorney fees and related costs associated with a law suit against Transworld, LLC.

The purpose of this lawsuit is to clear up title so that the utility can have the proper legal access to the polishing ponds and spray field. This is needed to be done in order to meet the requirements of 25-30.037 2-Q. The Utility asks the commission for a three year amortization.

I have enclosed a copy of the monies already paid to the attorney and a copy of the contract with the attorney.

This request for a petition is being filed by Michael Smallridge-Court Ordered Receiver for West Lakeland Wastewater, Inc.

On behalf of the Utility,



Mike Smallridge



February 12, 2015

Email & regular mail

Mike Smallridge
3336 Grand Blvd., Suite 102
Holiday, FL 34690

Re: West Lakeland Wastewater, LLC
Our File No.: WLWW-0001

Dear Mr. Smallridge:

You have asked our firm to represent you, as the Court-appointed receiver for the private utility that operates the sewage plant located on Reynolds Rd. As you know, on November 14, 2014, our firm prepared a demand letter to Transworld, LLC, explaining that you had been appointed as the receiver for the utility, and that in accordance with your application to operate the utility, the Florida Public Service Commission (PSC) is requiring you to have access to spray fields and ponds, which are located on the adjoining property owned by Transworld, LLC. Our firm, with you, has attempted to negotiate without litigation with Transworld, LLC to acquire access to the spray field and polishing ponds, either by lease or easement, to comply with the mandate from the PSC. To date, we have received no meaningful response from Transworld, LLC.

Accordingly, as we have discussed, our only alternative at this point is to initiate litigation against Transworld, LLC to gain access to the ponds and spray field. The basis for the litigation will be breach of contract and/or declaratory judgment seeking a prescriptive easement as provided by Florida law. You have asked that I provide you this correspondence to give you an estimate what we believe may be the cost of the litigation. As of today, litigation of this matter, taken to trial, usually costs approximately \$40,000.00-50,000.00. This, of course, is just an estimate and will vary greatly depend on the extent of any defenses and the extent of litigation required to be successful.

Upon approval from you, we will initiate the Complaint and commence the litigation. If you have any questions, please call.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Eduardo F. Morrell", is written over the typed name.

Eduardo F. Morrell, Esq.

Morrell, P.A.

ATTORNEYS AT LAW

902 S FLA. AVE, SUITE 205
LAKELAND, FL 33801
502 WEST MAIN STREET
WAUCHULA, FL 33873
TELEPHONE 863.802.8037
FAX 863.802.5312
E-Mail emorrell@morrellpa.com
www.morrellpa.com

DATE: 10/9/14

STATEMENT OF PROFESSIONAL FEES AND COSTS

MORRELL, P.A., to represent you. If our firm accepts this representation, we will be responsible for the payment of all attorneys' fees and costs incurred, in a timely manner, upon the

It is our basic policy to bill Attorney, Legal Assistant, and Law Clerk time on an hourly rate basis, plus costs. Examples of costs include Court fees, computer research charges, deposition costs, and expert fees.

When we agree to represent you, you may be asked to make an advance deposit to our Trust Account to secure payment of fees and costs. You may be asked to make additional deposits from time to time, depending on the type of legal matter involved and the lawyer time anticipated to complete the representation. The advance deposit will normally be applied to the last billing for a particular representation, or to past due billings, in our discretion. It is our security for payment. Any unused advance deposit will be refunded, at the conclusion of the representation.

You will receive a monthly statement showing the services rendered, the fees and costs due for a stated period. Payment is due immediately and is delinquent after thirty (30) days. Any other arrangement for representing you, on a different time or method of payment of fees and costs, must be approved, in writing. When we represent more than one person or entity, each client is jointly and severally liable for fees and costs. If our Statements are not paid when due, we reserve the right to discontinue services until our account is brought current. If any Statement is not paid within 30 days from the date of the Statement, we impose an interest charge of 1.5% per month (a 18% annual rate) from the 30th day after the date of the Statement, until paid in full. Any payments made are applied first to the oldest outstanding Statement(s), and interest thereon. You agree to pay our attorneys' fees and costs if litigation is necessary to collect our fees and costs. You waive any conflict of laws provision of the State of Florida and further waive jurisdiction of the Federal Courts in any matter between the parties. Further, you waive any right to jury trial in any action brought in connection with any of your accounts.

You are hereby notified that we are entitled under Florida law to a charging lien for fees and costs due our firm, on any money, documents or property delivered to, or recovered by, us during the representation, whether it is received from you or from other parties on your behalf. If money is held in Trust for you, by us, you agree that we may pay all fees and costs due our firm, before disbursing the balance of the money to you. Of course, we will account to you for any such disbursement. It is your responsibility to request the return of your documents, items or records delivered to our firm ("your property"). If arrangements are not made for the return of your property within six (6) years following the conclusion of a matter or representation, your property may be destroyed with the file.

Although it is unusual, there are certain matters which are billed at a higher rate than the standard hourly rate. For example, a higher rate may be charged in case of emergency requiring immediate attention, night or weekend work; when the representation involves substantial gain or loss; complex, unusual or unique questions of law or fact; when an additional fee is authorized by contract or statute, or in those matters requiring unusual amounts of attorney time or effort. Determination of this additional fee will be based on what is reasonable under all the circumstances, taking into account the time involved and the attorney fees customarily charged for such services in this area.

Currently, the hourly rates are as follows: Eduardo F. Morrell - \$285.00/hour; and Legal Assistants and Law Clerks - \$95.00/hour. Personnel providing services and hourly rates are subject to change, without notice, although an effort will be made to communicate fee changes to our regular clients in advance.

Further, you may be entitled to recover "attorneys' fees" from an opposing party in certain types of litigation. The Court may not award a fee or the fee that the Court awards may be less than your actual legal fee. The Court's award does not reduce your obligation to our firm. We cannot guarantee results in an adversary system or recovery of your fees and costs. In certain cases, you may run the risk of paying the opposing parties' fees and costs, and you should carefully consider this before undertaking or defending litigation.

We are providing this explanation of fees and costs to avoid any misunderstanding in the future. We are always available to discuss or explain our fees, costs and services. **Your execution of this document is your agreement to pay all fees and costs billed to you as provided above for services rendered on you or your company's behalf, until our firm or you terminate the representation, in writing. Either you or our firm may terminate this representation at will, in writing, in which case you will owe us all fees and costs for services rendered through the date of termination.**

CLIENT: West Lakeland Wastewater, LLC.

MORRELL, P.A.

By: Michael Smalivoda
PRINT NAME/TITLE: Michael Smalivoda

(Sign) BY: [Signature]

\$ 2500
over 2 months

Eduardo F. Morrell, Esq					10/23/2014	
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/23/2014	Bill	10.09.2014	2,500.00	2,500.00		1,000.00
					Check Amount	1,000.00

Checking CenterState Transfer Legal Costs 1,000.00

LMP100 M/P CHECK

WEST LAKE LAND WASTEWATER, LLC

2775

Eduardo F. Morrell, Esq					1/15/2015	
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/23/2014	Bill	10.09.2014	2,500.00	1,500.00		750.00
					Check Amount	750.00

Checking CenterState Transfer Legal Costs 750.00

LMP100 M/P CHECK

WEST LAKE LAND WASTEWATER, LLC

2790

Eduardo F. Morrell, Esq					2/17/2015	
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/23/2014	Bill	10.09.2014	2,500.00	750.00		750.00
					Check Amount	750.00

Morrell, P.A.

Post Office Box 2786

Lakeland, Florida 33806-2786

Ph: (863)802-8037

Fax: (863)802-5312

November 30, 2014

Mike Smallridge

1902 Barton Park Rd.

Suite 201

Auburndale, FL 33823

File #: WLWW-0001

Inv #: 14803

To all professional services rendered including the following:

Nov-07-14	Draft correspondence to Transworld	
Nov-12-14	Teleconference with client re: strategy for Easement over Transworld property	
Nov-19-14	Review correspondence from Attorney Smith	
Nov-25-14	Teleconference with client re: follow-up demand to Transworld and strategy for access to spray field	
Nov-26-14	Teleconference with Attorney Randall Smith re status of development order and workout lease/easement.	
	Totals	<hr/> \$541.50

Total Fees and Disbursements	\$541.50
Retainer Applied	\$0.00
Transferred from Trust to General	\$541.50
Previous Balance	\$285.00
Previous Payments	\$285.00
Interest Due	\$0.00
Balance Due Now	\$0.00

PLEASE INCLUDE INVOICE AND MATTER # ON YOUR CHECK

OUR CLOSING DATE IS THE LAST DAY OF EACH MONTH. IF YOU REMIT A PAYMENT THAT IS NOT REFLECTED ON THIS STATEMENT, IT WILL APPEAR ON YOUR NEXT STATEMENT.

DUE UPON RECEIPT; INTEREST PAYABLE AT 1.25% PER MONTH 30 DAYS FROM DATE OF STATEMENT

TRUST STATEMENT

		Disbursements	Receipts
	Trust Balance Forward		715.00
Nov-30-14	Paid To: Morrell, P.A.	541.50	
	Payment for invoice: 14803		
	Total Trust	<hr/> \$541.50	\$715.00
	Trust Balance		\$173.50

TRUST STATEMENT

		Disbursements	Receipts
Oct-27-14	Received From: West Lakeland Wastewater, LLC		1,000.00
	Future fees & Costs		
Oct-31-14	Paid To: Morrell, P.A.	285.00	
	Payment for invoice: 14754		
	Total Trust	\$285.00	\$1,000.00
	Trust Balance		\$715.00

Morrell, P.A.

Post Office Box 2786
Lakeland, Florida 33806-2786

Ph: (863)802-8037

Fax: (863)802-5312

October 31, 2014

Mike Smallridge
1902 Barton Park Rd.
Suite 201
Auburndale, FL 33823

File #: WLWW-0001
Inv #: 14754

To all professional services rendered including the following:

Oct-09-14 Meet with client re: work on access to spray field

Totals	\$285.00
Total Fees and Disbursements	\$285.00
Retainer Applied	\$0.00
Transferred from Trust to General	\$285.00
Previous Balance	\$0.00
Previous Payments	\$0.00
Interest Due	\$0.00
Balance Due Now	\$0.00

PLEASE INCLUDE INVOICE AND MATTER # ON YOUR CHECK

OUR CLOSING DATE IS THE LAST DAY OF EACH MONTH. IF YOU REMIT A PAYMENT THAT IS NOT REFLECTED ON THIS STATEMENT, IT WILL APPEAR ON YOUR NEXT STATEMENT.

DUE UPON RECEIPT: INTEREST PAYABLE AT 1.25% PER MONTH 30 DAYS FROM DATE OF STATEMENT

TRUST STATEMENT

	Disbursements	Receipts
Trust Balance Forward		173.50
Total Trust	\$0.00	\$173.50
Trust Balance		\$173.50 53.02

Morrell, P.A.
Post Office Box 2786
Lakeland, Florida 33806-2786

Ph: (863)802-8037

Fax: (863)802-5312

December 31, 2014

Mike Smallridge
1902 Barton Park Rd.
Suite 201
Auburndale, FL 33823

File #: WLWW-0001

Inv #: 14862

To all professional services rendered including the following:

Dec-03-14 Email correspondence with Client regarding status of development order.

Dec-12-14 Correspondence with Attorney Randall Smith re: follow up on development order.

Totals \$114.00

DISBURSEMENTS

Dec-01-14 Postage log 6.48

Totals \$6.48

Total Fees and Disbursements	\$120.48
Retainer Applied	\$0.00
Transferred from Trust to General	\$0.00
Previous Balance	\$541.50
Previous Payments	\$541.50
Interest Due	\$0.00
Balance Due Now	\$120.48

paid with Trust funds

PLEASE INCLUDE INVOICE AND MATTER # ON YOUR CHECK

OUR CLOSING DATE IS THE LAST DAY OF EACH MONTH. IF YOU REMIT A PAYMENT THAT IS NOT REFLECTED ON THIS STATEMENT, IT WILL APPEAR ON YOUR NEXT STATEMENT.

DUE UPON RECEIPT; INTEREST PAYABLE AT 1.25% PER MONTH 30 DAYS FROM DATE OF STATEMENT

WEST LAKELAND WASTEWATER, LLC
1902 BARTON PARK RD. # 201
AUBURNDALE, FL 33823

CENTER STATE BANK N.A.

2775

REDACTED

1/15/2015

PAY TO THE ORDER OF Eduardo F. Morrell, Esq

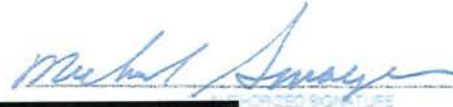
\$ **750.00

Seven Hundred Fifty and 00/100***** DOLLARS

Eduardo F. Morrell, Esq
902 S. Florida Ave, Suite 205
Lakeland, FL 33801

MEMO

Transfer Legal Costs



Michael Smay
AUTHORIZED SIGNATURE

WEST LAKELAND WASTEWATER, LLC

2775

Eduardo F. Morrell, Esq

Date Type Reference
10/23/2014 Bill 10.09.2014

Original Amt.
2,500.00

Balance Due
1,500.00

1/15/2015

Discount

Payment

750.00

Check Amount

750.00

Checking CenterState Transfer Legal Costs

750.00

WEST LAKELAND WASTEWATER, LLC

2775

Eduardo F. Morrell, Esq

Date Type Reference
10/23/2014 Bill 10.09.2014

Original Amt.
2,500.00

Balance Due
1,500.00

1/15/2015

Discount

Payment

750.00

Check Amount

750.00

Checking CenterState Transfer Legal Costs

750.00