State of Florida

.



## Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: November 29, 1999

**TO:** Division of Records and Reporting

FROM: Division of Legal Services (Christensen)

**RE:** Docket No. 991486-WU - Application by Floralino Properties, Inc. for amendment of Certificate No. 153-W to delete Ellis & Company, Ltd. (Holiday Mall) from territory in Pasco County.

Please file the attached letter dated November 24, 1999, in the docket file for the above-referenced docket.

PAC/dr

cc: Division of Water and Wastewater (Redemann, Walden)

I:\991486M2.PAC



DOCUMENT NUMBER-DATE ++595 NOV 30 S FPSC-RECORDS/REPORTING

## MACFARLANE FERGUSON & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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Tampa

November 24, 1999

## VIA TELEFAX AND U.S. MAIL

Patty Christiansen Legal Department PUBLIC SERVICE COMMISSION 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850



Re: Ellis & Company, Ltd.'s Request for Deletion From Service Area of Floralino Properties, Inc.

Dear Ms. Christiansen:

This will confirm our conversation yesterday in which you advised me that the Commission would not act on Floralino's request for cancellation of its fire protection tariff unless and until Pasco County provides a firm commitment to permanently provide fire protection service.

You advised me that you would contact Floralino to provide notification that their request for cancellation of the fire protection tariff had not been accepted. I am also sending Floralino a copy of this letter, both to Mr. Tubolino directly, and to Nicholas Zubillaga who has been acting as agent for Floralino Properties.

As I explained to you, Ellis & Co., Ltd., has been placed in the untenable position of being unable to obtain adequate fire protection for its Holiday Mall property through the certificated provider, Floralino. Testing for water pressure has demonstrated that Floralino's fire flows were insufficient to meet fire safety codes. In addition, the lines used to supply its fire hydrants did not meet fire safety codes. Pasco County had initially agreed to provide service, and a fire line was built to connect to Pasco County with tap-in fees and impact fees having been paid. On November 10, 1999, when the tap of the water line was scheduled to take place, Pasco County suddenly refused to provide service unless potable water service could also be provided by Pasco County.

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During the past two week, we have explored every avenue for resolving this fire safety crisis. Last night, the Pasco County Commission approved a temporary resolution of providing emergency temporary fire service pursuant to an agreement that still requires Floralino's written consent because the service is in Floralino's certificated area. My client's efforts to contact Floralino during the past two weeks have consistently resulted in no response whatsoever, but we hope that Floralino will respond to this reasonable request.

We do expect to be filing further documents with the PSC in the near future - - an amended petition for deletion of Holiday Mall from Floralino service area, or a request that Floralino be compelled to provide adequate service to the mall.

Thank you for taking the time to talk to me yesterday about this matter.

Sincerely,

Susan W. Fò

SWF/ce

Anthony Tubolino cc: Nicholas Zubillaga