

ORIGINAL

MEMORANDUM

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TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES
 FROM: OFFICE OF THE GENERAL COUNSEL (BRUBAKER) JSB
 RE: DOCKET NO. 971622-SU Initiation of show cause proceedings against Landmark Enterprises, Inc. in Highlands County for violation of Rule 25-30.110(3), F.A.C., Records and Reports; Annual Reports, and Rule 25-30.120, Regulatory Assessment Fees.

Please file the letter dated August 18, 2006 to Jennifer Brubaker, Senior Attorney from Martin S. Friedman, in the above-referenced docket.

DATE DOCUMENT SENT TO CCA 8/22/06

JSB/pz
Attachments

Cc: Division of Economic Regulation (Waldon, Romig, Kaproth, Marsh)

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August 18, 2006

Jennifer Brubaker, Esquire
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
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RE: Docket No. 971622-SU/Landmark Enterprises, Inc.
Our File No.: 40090.01

Dear Jennifer:

This letter confirms our recent telephone conference regarding the status of Landmark Enterprises, Inc., and its continued operation of its wastewater treatment plant in Highlands County, Florida. David Plank, the owner of Landmark Utilities, Inc. has cooperated completely with the various regulatory agencies in trying to find a solution to the problems at the wastewater treatment plant owned by Landmark Enterprises. Particularly, Kelli Dowell, former attorney with DEP and Alan Slater of the Florida Rural Water Association have worked very hard on a solution. Landmark Enterprises has cooperated by agreeing to a Consent Order (which has never been executed due to no fault of Landmark Enterprises) which would allow the appointment of a receiver, and Landmark Enterprises agreeing not to file an abandonment under Chapter 367 so that a solution may be worked out without the pressure of the statutory deadline.

Basically, Landmark Enterprises is willing to give the Utility to anyone willing to accept it and the approximately \$80,000.00 debt that is on the utility system. The resolution of this matter was somewhat delayed due to Ms. Dowell's departure from DEP and the fact that a new attorney was just assigned this matter last week. I forwarded you a copy of his email to me. Apparently the County has moved forward with preparing

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surveys of the collection system to ensure that they are not located on private property, which apparently will assist the County in agreeing to a resolution of this matter. There are a number of options, the most logical of which is to connect with the City of Sebring, however, the City does not want to incur any expense in doing so.

I will endeavor to keep you advised as to the status of this matter and please be assured that Landmark Enterprises will continue to work with the governmental agencies in good faith in order that the systems be brought into compliance with regulatory requirements. All he has asked in return is that cooperation mitigate any fines or penalties that such agencies may otherwise impose upon him. Before Ms. Dowell left DEP I had that commitment from her, although I have not discussed it with DEP's new counsel.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF/tlc

cc: Mr. David Plank

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