

Fred and Patricia Hoffman
286 Aquarina Blvd.
Melbourne Beach, FL 32951

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

RECEIVED-FPSC
09 FEB 16 PM 3:51
COMMISSION
CLERK

RE: DOCKET NO. 090019-WS

We are responding to your notice of application for a transfer of Majority Organizational Control of Service Management Systems, Inc., from IRD Osprey, LLC, to Oak Lodge Utility, LLC. This utility provides water to our home.

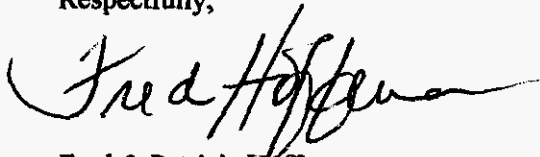
It is my wife's and my firm belief that this group forming Oak Lodge Utility lacks the knowledge and expertise necessary to operate a water and wastewater plant. We further believe that they lack the financial underpinnings to guarantee the successful operation of a plant which is likely to have degraded considerably during the decline and eventual failure of the Aquarina developer, who has allowed the water and wastewater treatment plant to serendipitously fall into the hands of this ill prepared group. Given the recent assault on public safety resulting from what appears to be unscrupulous and ill informed peanut manufactures resulting in death and debilitation of many from salmonella poisoning, one wonders how the Commission could even consider allowing this transfer. One also wonders if the Commission can, in fact, be found culpable if there is an assault on our safety as a result of this transfer of operating authority.

Further, it is our understanding that one of the major players in the Oak Lodge attempt to gain control of our water supply is Dan Winkler, D.B.A., CBC. Although Mr. Winkler is a resident of Aquarina, I am told he continues to ignore his longstanding financial obligation to the Community Services Association. In fact, I believe he is in default on fees owed to the Association. If he fails to honor his obligations to the Aquarina Community as a member of the local community, how will he be expected to honor his obligations to the safety and welfare of the community as the holder of our water and wastewater rights?

Finally, it is clear to me that Aquarina should be responsible for its own water supply and waste treatment operation. It appears that this has not presented itself as a possibility because of the backroom dealings that have occurred between parties who have their own financial gain as their primary interest. To them it appears to have been about grabbing as much as they can for themselves and to hell with the community.

We would assume that it is the Commission's obligation and responsibility to protect the community from such predatory pursuits when the well being of the community is at stake.

Respectfully,



Fred & Patricia Hoffman

DOCUMENT NUMBER-DATE

01258 FEB 16 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Egret Trace Condominium Association

289 Aquarina Boulevard

Melbourne Beach, FL 32951

Re: The Application for Transfer of Majority Organizational Control of Service Management Systems Inc. from IRD Osprey, LLC. to Oak Lodge Utility, LLC.

RECEIVED-FPSC
09 FEB 16 PM 3:52
COMMISSION
CLERK

DOCKET NO. 0090019-WS

NOTICE OF OBJECTION

(pursuant to Rule 25-30.03,
Florida Administrative Code.)

We, Egret Trace Condominium Association, are customer(s) of Service Management Systems, Inc. and do, hereby, object to the Application for Transfer of Majority Organizational Control of Service Management Systems, Inc. (hereinafter referred to as "the utility") from IRD Osprey, LLC. To Oak Lodge Utility, LLC on the following grounds:

- 1) The transfer is contrary to Rule 25-30.037(3)(f), Florida Administrative Code. The application for approval of the transfer is not in the public interest by reason of the following:
 - a) The interest of Oak Lodge is substantially and materially different than all prior operators of the utility and is contrary to the interests of the customers being served by the utility.
 - b) Oak Lodge does not have experience in water and wastewater operations.
 - c) Oak Lodge does not have the financial ability or the resources to:
 - (i) Fund any capital needs of the utility,
 - (ii) Provide real and significant benefits to the customers of the utility as capital and/or operational needs demand,
 - (iii) Guarantee continuous and adequate water and wastewater service to its customers. The utility's water treatment procedures and facilities threaten the health and safety of its customers
 - (iv) Fulfill the commitments, obligations and representations of IRD Osprey, LLC with regard to utility matters.
- 2) The transfer is contrary to Rule 25-30.037(3)(i), Florida Administrative Code. There is no valid evidence that the utility owns the real property upon which the utility treatment facilities are located.

- 3) The Application is materially deficient in failing to include the information required pursuant to the following Rules of the Florida Administrative Code:
- i) Rule 25-30.037(c), the names and addresses of all Oak Lodge's corporate officers, directors' partners and any other person(s) who will own an interest in the utility,
 - ii) Rule 25-30.037(e), a statement describing the financing of the purchaser,
 - iii) Rule 25-30.037(g), a list of all entities including affiliates, that have provided or will provide funding to Oak Lodge and an explanation of the manner and amount of such funding,
 - iv) Rule 25-30.37(h), a statement that the system is in need of repairs or improvement with a list of the repairs and improvements needed and the approximate cost to make them.

Signed this 11th day of February, 2009,

A handwritten signature in cursive script, appearing to read "Fred Hoffman", is written over a horizontal line.

Fred Hoffman, President, Egret Trace Condominium Association

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Melbourne Beach, FL 3295

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e-mail: hoffmans1000@msn.com

To: Office of Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee Fl., 32399-0850

And to: Oak Lodge Utility, LLC

1490 Hwy A1A, Suite 301

Satellite Beach Fl. 32937

And to: Service Management Systems, Inc.,

P.O. Box 510388,

Melbourne Beach, Fl 32951