

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION
CLERK

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

DOCKET NO. 0090019-WS

NOTICE OF OBJECTION

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

I/We _____, am a/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.

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FPSC-COMMISSION CLERK

James O. & Edith M. Bower
38 Devonshire Square 276 Aquarina Blvd
Mechanicsburg, Pa 17050-6878 Melbourne Beach Florida 32951

2/4/2009

**OFFICE OF COMMISSION CLERK
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850**

Re: Docket No 090019-WS

To whom it concerns;

In response to the 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 is the Utility that provides our water at our home in Aquarina at the address shown on the top of this page.

It is my understanding that this new entity has as a 24 1/2 % owner Dan Winkler. This is a man who owes our complex a great deal of money from business he has done in the recent past. I do not have the names or any information about the various members of SPAC, LLC who own 51% of the new entity or any information about John Corbett who will own 24 1/2 %.

My wife and I are in agreement not to allow a person who hasn't been honest and paid his debts to have control of our Water Utility.

Further it is in our best interest for the Aquarina Community Association to pursue an amendment to the bylaws to permit owning this facility since we are the ones who need the Water and must pay for it. We would of course contract with a management firm to operate and properly comply with the Utility Commission, and establish some reserve funds for emergencies, which we do not feel this new group will do.

You may contact me at the above address or by phone if needed.

Respectfully;

**James O Bower
CC : Service Management Systems, Inc.**