

Holland & Knight

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Holland & Knight LLP | www.hklaw.com

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COMMISSION
CLERK

D. Bruce May, Jr.
(850) 425-5607
bruce.may@hklaw.com

December 5, 2011

Via Hand-Delivery

Ms. Ann Cole
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, FL 32399-0850

Re: *In re: Application for Approval of Transfer of Wastewater System of Fountain Lakes Sewer Corporation Holder of Certificate No. 442-SU, to Aqua Utilities Florida, Inc., Holder of Certificate 268-S, and Amendment of Certificate 268-S In Lee County, by Aqua Utilities Florida, Inc. and, concurrent: Application for Authority to Transfer the Wastewater Facilities of Fountain Lakes Sewer Corporation to Bonita Springs Utilities, Inc. and for Cancellation of Certificate No. 442-SU.*
Docket No. 090056-SU

Dear Ms. Cole:

Enclosed for filing on behalf of Aqua Utilities Florida, Inc. ("AUF") are the original and seven (7) copies of the following

1. Late-filed Exhibit "D." - An Affidavit executed by Richard Fox, President of AUF, affirming that notice was provided to all entities appearing on the notice list provided by the Florida Public Service Commission as required by Rule 24-30.030(8), Florida Administrative Code;
2. Late-Filed Exhibit "E" - An Affidavit executed by Richard Fox, President of AUF, affirming that notice was provided to each customer of the water system as required by Rule 25-30.030(6), Florida Administrative Code.

COM _____
 APA _____
 ECR _____
 GCL _____
 RAD _____
 SRC _____
 ADM _____
 OPC _____
 CLK _____

DOCUMENT NUMBER DATE

08772 DEC -5 =

FPSC-COMMISSION CLERK

Ann Cole
December 5, 2011
Page 2

Please acknowledge receipt of this filing by stamping the extra copy of this letter "filed" and returning the copy to me. Thank you for your assistance.

Sincerely,

HOLLAND & KNIGHT LLP



D. Bruce May, Jr.

DBM:kjg
Encls.

cc: John Jenkins, Esq.
Kimberly A. Joyce, Esq.
Troy Rendell

090056-SU

LATE-FILED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Approval)
of Transfer of Wastewater System)
of Fountain Lakes Sewer Corporation)
Holder of Certificate No. 442-SU,)
To Aqua Utilities Florida, Inc.,)
Holder of Certificate 268-S, and)
Amendment of Certificate 268-S)
In Lee County, by Aqua Utilities)
Florida, Inc.)

Docket No. 090056-SU
Filed: December 1, 2011

And, Concurrent:

Application for Authority)
to Transfer the Facilities of)
Fountain Lakes System to BONITA)
SPRINGS UTILITIES, INC. and for)
cancellation of Certificate)
No. 442-SU)

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF LEON

Before me, the undersigned authority, authorized to administer oaths and take acknowledgements, personally, appeared Richard Fox, who after being duly sworn on oath, did depose on oath and say that he is the President for Aqua Utilities Florida, Inc. and that on November 28, 2011 he did send by regular U.S. Mail, a copy of the notice attached hereto to each of the utilities, governmental bodies, agencies, and municipalities, in according with the list provided by the Florida Public Service Commission, which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

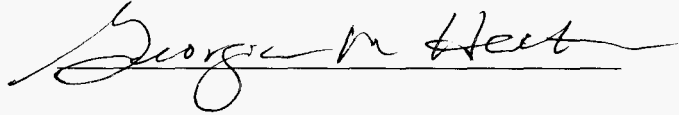


RICHARD FOX

DOCUMENT NUMBER-DATE
08772 DEC-5 =
FPSC-COMMISSION CLERK

Sworn to and subscribed before me this 15th day of Dec, 2011, by Richard Fox, who is personally known to me.

STATE OF FLORIDA
COUNTY OF LEON



Print Name
NOTARY PUBLIC
My Commission Expires:



NOTICE OF WITHDRAWAL OF TRANSFER OF WATER AND WASTEWATER SYSTEMS
OF FOUNTAINLAKES SEWER CORP. TO AQUA UTILITIES FLORIDA, INC.

And, Concurrent:

APPLICATION FOR AUTHORITY TO TRANSFER THE FACILITIES OF FOUNTAIN LAKES
SYSTEM TO BONITA SPRINGS UTILITIES, INC. AND FOR CANCELLATION OF CERTIFICATE
NO. 442-SU

Notice is hereby given on the 29th day of November, 2011 pursuant to Section 367.071, Florida Statutes of the Withdrawal of its Application for Approval of Transfer of the Wastewater System of Fountain Lakes Sewer Corp. located in Lee County Florida to Aqua Utilities Florida, Inc., (Aqua) and Amendment of Aqua's Wastewater Certificate No. 268-S; and, concurrently,

Application for authority to transfer the facilities of Fountain Lakes Sewer Corporation to Bonita Springs Utilities ("BSU"), an exempt entity, and for Cancellation of Certificate No. 442-SU pursuant to the provisions of Rule 25-30.037, Fla. Admin. Code, and Section 367.071, Florida Statutes.

The Fountain Lakes Sewer Corp. wastewater system provides service to the following described territory in Lee County, Florida:

LEGAL DESCRIPTION:

TOWNSHIP 47 SOUTH, RANGE 25 EAST IN LEE COUNTY, FLORIDA

SECTIONS 4 AND 9

ALL THAT PART OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LYING MORE THAN 500 FEET WEST OF THE RIGHT-OF-WAY OF STATE ROAD 45, AND ALL THAT PART OF THE NORTH ½ OF THE NORTH ½ OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LYING MORE THAN 500 FEET WEST OF THE RIGHT-OF-WAY OF STATE ROAD 45, CONSISTING OF 372.02 ACRES MORE OR LESS.

TOGETHER WITH THAT CERTAIN PARCEL OF LAND 400 FEET IN WIDTH AND 500 FEET IN DEPTH SITUATED IN SAID SECTION 4, LYING BETWEEN THE FOREGOING TRACT AND STATE ROAD 45 WHICH PARCEL IS DESCRIBED AS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 4 AND THE WEST LINE OF STATE ROAD 45; THENCE NORTH 06°39'59" WEST ALONG THE SAID WEST LINE OF STATE ROAD 45 A DISTANCE OF 1867.59 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 83°20'01" WEST A DISTANCE OF 500 FEET, THENCE NORTH 06°39'59" WEST A DISTANCE OF 400 FEET, THENCE NORTH 83°20'01" EAST A DISTANCE OF 500 FEET TO THE WEST LINE OF STATE ROAD 45, THENCE SOUTH 06°39'59" EAST ALONG SAID WEST LINE OF THE TAMiami TRAIL A DISTANCE OF 400 FEET TO THE POINT OF BEGINNING.

Any objections to the Application must be made in writing and filed with the Director, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32394-0850, no later

than 30 days after the last date this notice was mailed or published, whichever is later, with a copy provided to:

D. Bruce May, Jr.
Holland & Knight LLP
Post Office Drawer 810
Tallahassee, FL 32302-0810

The objection must state the grounds for the objection with particularity.

Aqua Utilities Florida, Inc.
P. O. Box 2480
Lady Lake, FL 32158-2480

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY
(VALID FOR 60 DAYS)
11/21/2011 - 01/19/2012**

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>LEE COUNTY</u>	
AQUA UTILITIES FLORIDA, INC. (SU821) 2228 CAPITAL CIRCLE N.E., SUITE 1A TALLAHASSEE, FL 32308-4306	TROY RENDELL (850) 575-8500
BAYSHORE UTILITIES, INC. (WU013) 2259 CLUBHOUSE ROAD NORTH FT. MYERS, FL 33917-2523	WAYNE CARSON WAMPLER (239) 482-4024
BE UTILITY SYSTEMS, L.L.C. D/B/A BUCCANEER WATER SERVICE (WU730) % MANUFACTURED HOME COMMUNITIES, INC. 2 NORTH RIVERSIDE PLAZA, SUITE 800 CHICAGO, IL 60606-2682	BRAD NELSON (813) 282-6754 EXT 40
ENVIRONMENTAL PROTECTION SYSTEMS OF PINE ISLAND, INC. (SU287) 3039 YORK ROAD ST. JAMES CITY, FL 33956-2303	KEVIN J. CHERRY (239) 283-1144
FOREST UTILITIES, INC. (SU293) 6000 FOREST BLVD. FORT MYERS, FL 33908-4318	DAVID SWOR (239) 481-0111
FOUNTAIN LAKES SEWER CORP. (SU572) 523 SOUTH EIGHTH STREET MINNEAPOLIS, MN 55404-1078	MARY JO KELLY (612) 332-7281
MOBILE MANOR WATER COMPANY, INC. (WU167) % HAYDEN & ASSOCIATES 8359 BEACON BLVD., SUITE 313 FORT MYERS, FL 33907-3062	HAYDEN & ASSOCIATES (239) 489-4890
MSKP TOWN AND COUNTRY UTILITY, LLC D/B/A TOWN & COUNTRY UT (SU904) P. O. BOX 31841 PALM BEACH GARDENS, FL 33420-1841	CHARLES DESANTI (941) 235-6900
MSKP TOWN AND COUNTRY UTILITY, LLC D/B/A TOWN & COUNTRY UT (WU811) 17837 MURDOCK CIRCLE PORT CHARLOTTE, FL 33948-4000	CHARLES DESANTI (941) 235-6900
NI FLORIDA, LLC (WU920) 10913 METRONOME HOUSTON, TX 77043-2201	MARSHA RULE (850) 681-6788
PINE ISLAND COVE HOMEOWNERS ASSOCIATION, INC. (SU724) 7290 LADYFISH DRIVE ST. JAMES CITY, FL 33956-2723	ROBERT EAMES (239) 283-3100

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY
(VALID FOR 60 DAYS)
11/21/2011 - 01/19/2012**

UTILITY NAME

LEE COUNTY

MANAGER

USEPPA ISLAND UTILITY, INC. (WS249)
P. O. BOX 640
BOKEELIA, FL 33922-0640

TIM FITZSIMMONS
(239) 283-1061

UTILITIES, INC. OF EAGLE RIDGE (SU749)
200 WEATHERSFIELD AVENUE
ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN
(407) 869-1919 EXT 1359

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY
(VALID FOR 60 DAYS)
11/21/2011 - 01/19/2012**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, LEE COUNTY
P. O. BOX 398
FT. MYERS, FL 33902-0398

CLERK OF THE CIRCUIT COURT, LEE COUNTY
P. O. BOX 2469
FORT MYERS, FL 33902-2469

DEP SOUTH DISTRICT
2295 VICTORIA AVE., SUITE 364
FORT MYERS, FL 33901

MAYOR, CITY OF CAPE CORAL
P. O. BOX 150027
CAPE CORAL, FL 33915-0027

MAYOR, CITY OF FT. MYERS
P. O. BOX 2217
FORT MYERS, FL 33902-2217

MAYOR, CITY OF SANIBEL
800 DUNLOP ROAD
SANIBEL, FL 33957-4096

S.W. FLORIDA REGIONAL PLANNING COUNCIL
1926 VICTORIA AVENUE
FT. MYERS, FL 33901

SO. FLORIDA WATER MANAGEMENT DISTRICT
P.O. BOX 24680
WEST PALM BEACH, FL 33416-4680

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY
(VALID FOR 60 DAYS)
11/21/2011 - 01/19/2012**

UTILITY NAME

STATE OFFICIALS

MANAGER

OFFICE OF PUBLIC COUNSEL
111 WEST MADISON STREET
SUITE 812
TALLAHASSEE, FL 32399-1400

OFFICE OF COMMISSION CLERK
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

090056-SU

LATE-FILED EXHIBIT E

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Approval)
of Transfer of Wastewater System)
of Fountain Lakes Sewer Corporation)
Holder of Certificate No. 442-SU,)
To Aqua Utilities Florida, Inc.,)
Holder of Certificate 268-S, and)
Amendment of Certificate 268-S)
In Lee County, by Aqua Utilities)
Florida, Inc.)

Docket No. 090056-SU
Filed: December 1, 2011

And, Concurrent:


Application for Authority)
to Transfer the Facilities of)
Fountain Lakes System to BONITA)
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cancellation of Certificate)
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AFFIDAVIT OF MAILING

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COUNTY OF LEON

Before me, the undersigned authority, authorized to administer oaths and take acknowledgements, personally, appeared Richard Fox, who after being duly sworn on oath, did depose on oath and say that he is the President for Aqua Utilities Florida, Inc. and that on November 28, 2011 he did send he did send by regular U.S. Mail, a copy of the notice attached hereto to each wastewater customer of Fountain Lake’s wastewater utility in Lee County, Florida.

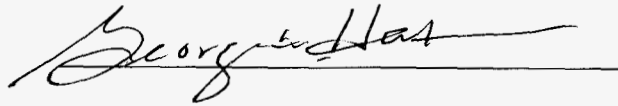
FURTHER AFFIANT SAYETH NOT.



RICHARD FOX

Sworn to and subscribed before me this 15th day of Dec, 2011, by Richard Fox, who is personally known to me.

STATE OF FLORIDA
COUNTY OF LEON



Print Name
NOTARY PUBLIC
My Commission Expires:



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