

ORIGINAL

MEMORANDUM

JUNE 11, 1999

TO: DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF WATER AND WASTEWATER (MESSER) *ABM*

RE: DOCKET NO. 990323-SU, TRANSFER OF HACIENDA TREATMENT PLANT, INC. TO BONITA SPRINGS UTILITIES, INC. AND CANCELLATION OF CERTIFICATE NO. 370-S.

Attached is a copy of a letter from Mr. Darrin Shippy representing Bonita Springs Utilities, Inc., which also includes affidavits from the Villanova Colonnade Condominium, Inc. - Sections I, II, III and IV, the Citadel Condominium Association, Inc., Alcris Holdings, Inc. and the Hacienda Village Homeowners Association, Inc. with respect to the disposition of Hacienda Utility's assets by Bonita Springs Utilities, Inc. This information should be included in the docket file.

cc: Division of Water and Wastewater (Redemann)
 Division of Legal Services (Crossman)

AFA _____
 APP _____
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DOCUMENT NUMBER-DATE

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EPSC-RECORDS/REPORTING

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April 1, 1999

ROBERT M. C. ROSE
OF COUNSEL

VIA HAND DELIVERY

Mr. N.D. Walker
Division of Water and Wastewater
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0873

RECEIVED

APR - 1 1999
Florida Public Service Commission
Division of Water and Wastewater

RE: Bonita Springs Utilities, Inc.\Hacienda Treatment Plant, Inc.
Our File No. 20989.21

Dear N.D.:

As you requested, I am enclosing copies of consents of the Homeowners Associations related to Hacienda Treatment Plant, Inc. As I mentioned on the phone, Bonita Springs Utilities, Inc. is an exempt entity (non-profit corporation providing service solely to its members), which is regulated by the Lee County Commission. Therefore, all rates and charges will be addressed in the application pending before the Lee County Commission. This includes the \$795 charge that you referenced in our discussion. You should also know that this charge was addressed in the recommendation of Bonita Springs Utilities, Inc. filed with the Circuit Court, which was then approved by the Court.

As I mentioned on the phone, the transfer of the facilities occurred pursuant to, and as of, the Circuit Court's November 4, 1998 Order. All that is left for the Public Service Commission is to cancel the wastewater certificate and acknowledge the transfer to Bonita Springs Utilities, Inc., an exempt entity regulated by the Lee County Commission. Some of the matters mentioned in the application with the Public Service Commission are for informational purposes only and do not require Commission review.

N.D. Walker
April 1, 1999
Page 2

and approval. Additionally, I question whether the Public Service Commission needs to make a finding that the transfer is in the public interest, given the Circuit Court's Order.

Finally, the Public Service Commission's rules do not require an affidavit be signed and filed with the Commission with respect to Bonita Springs Utilities, Inc.'s operational status. In other words, the Commission has made a finding in prior orders that Bonita Springs Utilities, Inc. is an exempt entity. It is only in the event circumstances change that affect Bonita Springs Utilities, Inc.'s exempt status that Bonita Springs Utilities, Inc. would bear the responsibility of notifying the Commission of such a change.

I am providing a courtesy copy of this letter to Stephanie Crossman because I spoke with her after speaking with you.

I view this application before the Public Service Commission as straightforward and one which should be approved as a matter of course. I hope the staff will agree with this assessment.

Sincerely,

ROSE, SUNDBSTROM & BENTLEY, LLP



Daren L. Shippy
For The Firm

DLS\tmg
Enclosure
cc: Mr. Fred Partin
Stephanie Crossman, Esq.

CONSENT OF VILLANOVA COLONNADE CONDOMINIUM, SECTION I,
ASSOCIATION, INC.
TO DISPOSITION OF HACIENDA TREATMENT PLANT, INC.'S ASSETS
IN ACCORDANCE WITH BONITA SPRINGS UTILITIES, INC.'S
RECOMMENDATION

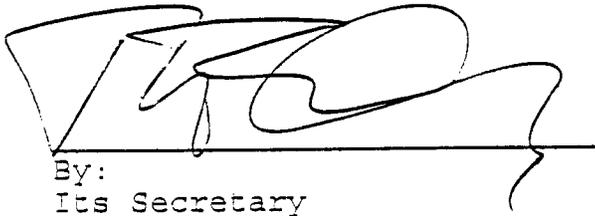
1. The Villanova Colonnade Condominium, Section I, Association, Inc. ("Homeowners Association") consents to the distribution of the assets of Hacienda Treatment Plant, Inc. in accordance with the Recommendation for Disposition of Assets of Hacienda Treatment Plant, Inc., which the Homeowners Association, and its members, have reviewed.

2. Attached hereto is the Resolution of the Board of Directors of the Homeowners Association reflecting its consent as set forth above.

Dated this 18 day of SEPT, 1998.

ATTEST:

VILLANOVA COLONNADE CONDOMINIUM,
SECTION I, ASSOCIATION, INC.


By:
Its Secretary


By:
Its President

(SEAL)

CONSENT OF VILLANOVA COLONNADE CONDOMINIUM, SECTION IV,
ASSOCIATION, INC.
TO DISPOSITION OF HACIENDA TREATMENT PLANT, INC.'S ASSETS
IN ACCORDANCE WITH BONITA SPRINGS UTILITIES, INC.'S
RECOMMENDATION

1. The Villanova Colonnade Condominium, Section IV, Association, Inc. ("Homeowners Association") consents to the distribution of the assets of Hacienda Treatment Plant, Inc. in accordance with the Recommendation for Disposition of Assets of Hacienda Treatment Plant, Inc., which the Homeowners Association, and its members, have reviewed.

2. Attached hereto is the Resolution of the Board of Directors of the Homeowners Association reflecting its consent as set forth above.

Dated this 18 day of SEPTEMBER, 1998.

ATTEST:

VILLANOVA COLONNADE CONDOMINIUM,
SECTION IV, ASSOCIATION, INC.

Jacyn A. McDonald

By:
Its Secretary

[Signature]

By:
Its President

(SEAL)



CONSENT OF VILLANOVA COLONNADE CONDOMINIUM, SECTION II,
ASSOCIATION, INC.
TO DISPOSITION OF HACIENDA TREATMENT PLANT, INC.'S ASSETS
IN ACCORDANCE WITH BONITA SPRINGS UTILITIES, INC.'S
RECOMMENDATION

1. The Villanova Colonnade Condominium, Section II, Association, Inc. ("Homeowners Association") consents to the distribution of the assets of Hacienda Treatment Plant, Inc. in accordance with the Recommendation for Disposition of Assets of Hacienda Treatment Plant, Inc., which the Homeowners Association, and its members, have reviewed.

2. Attached hereto is the Resolution of the Board of Directors of the Homeowners Association reflecting its consent as set forth above.

Dated this 18 day of SEPTEMBER, 1998.

ATTEST:

VILLANOVA COLONNADE CONDOMINIUM,
SECTION II, ASSOCIATION, INC.

Janice McAnale

By:
Its Secretary

DM

By:
Its President

(SEAL)

**CONSENT OF THE CITADEL CONDOMINIUM
ASSOCIATION, INC.
TO DISPOSITION OF HACIENDA TREATMENT PLANT, INC.'S ASSETS
IN ACCORDANCE WITH BONITA SPRINGS UTILITIES, INC.'S
RECOMMENDATION**

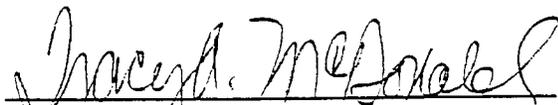
1. The Citadel Condominium Association, Inc. ("Homeowners Association") consents to the distribution of the assets of Hacienda Treatment Plant, Inc. in accordance with the Recommendation for Disposition of Assets of Hacienda Treatment Plant, Inc., which the Homeowners Association, and its members, have reviewed.

2. Attached hereto is the Resolution of the Board of Directors of the Homeowners Association reflecting its consent as set forth above.

Dated this 9 day of SEPTEMBER, 1998.

ATTEST:

THE CITADEL CONDOMINIUM
ASSOCIATION, INC.

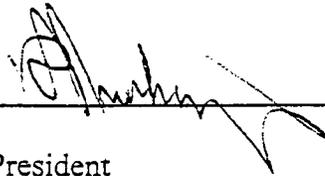


By:
Its Secretary

ASST

(SEAL)





By:
Its President

CONSENT OF ALCRIS HOLDINGS, INC.
TO DISPOSITION OF HACIENDA TREATMENT PLANT, INC.'S ASSETS
IN ACCORDANCE WITH BONITA SPRINGS UTILITIES, INC.'S
RECOMMENDATION

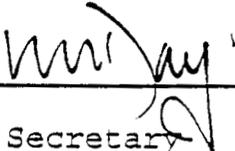
1. Alcris Holdings, Inc. ("Alcris") consents to the distribution of the assets of Hacienda Treatment Plant, Inc. in accordance with the Recommendation for Disposition of Assets of Hacienda Treatment Plant, Inc., which Alcris, and its shareholders, have reviewed.

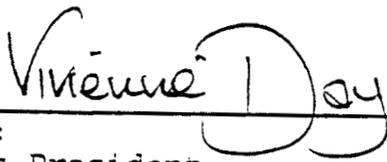
2. Attached hereto is the Resolution of the Board of Directors of Alcris reflecting its consent as set forth above.

Dated this 2ND day of SEPTEMBER, 1998.

ATTEST:

ALCRIS HOLDINGS, INC.


By:
Its Secretary


By:
Its President

(SEAL)

HACIENDA VILLAGE HOMEOWNERS ASSOCIATION, INC.

RESOLUTION OF
THE BOARD OF DIRECTORS

THE UNDERSIGNED, being the Secretary of the Hacienda Village Homeowners Association, Inc., a Florida not-for-profit corporation (the "Corporation"), do hereby certify that the following Resolution was adopted at a duly called meeting of the Board of Directors:

RESOLVED, that the Corporation does hereby consent to the disposition of Hacienda Treatment Plant, Inc.'s assets in accordance with the recommendations of Bonita Springs Utilities, Inc. attached hereto.

IN WITNESS WHEREOF, the undersigned has executed this instrument on and as of the 13 day of July, 1998.


Secretary

CONSENT OF HACIENDA VILLAGE HOMEOWNERS ASSOCIATION
TO DISPOSITION OF HACIENDA TREATMENT PLANT, INC.'S ASSETS
IN ACCORDANCE WITH BONITA SPRINGS UTILITIES, INC.'S
RECOMMENDATION

1. The Hacienda Village Homeowners Association ("Homeowners Association") consents to the distribution of the assets of Hacienda Treatment Plant, Inc. in accordance with the Recommendation for Disposition of Assets of Hacienda Treatment Plant, Inc., which the Homeowners Association, and its members, have reviewed.

2. Attached hereto is the Resolution of the Board of Directors of the Homeowners Association reflecting its consent as set forth above.

LANE & MITTENDORF, LLP



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