## RUTLEDGE, ECENIA & PURNELL

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA RICHARD M. ELLIS JOHN M. LOCKWOOD MARTIN P. McDONNELL J. STEPHEN MENTON POST OFFICE BOX 551, 32302-0551 215 SOUTH MONROE STREET, SUITE 420 TALLAHASSEE, FLORIDA 32301-1841

> TELEPHONE (850) 681-6788 TELECOPIER (850) 681-6515

> > July 2, 2008

R. DAVID PRESCOTT HAROLD F. X. PURNELL MARSHA E. RULE GARY R. RUTLEDGE MAGGIE M. SCHULTZ

HAND DELIVERY

GOVERNMENTAL CONSULTANTS JONATHAN M. COSTELLO MARGARET A. MENDUNI

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

Re: Docket No. 080428-WS

Dear Ms. Cole:

OTH \_\_\_\_\_

Enclosed for filing on behalf of Keith and Clara Starkey d/b/a Heather Hills Estates ("Heather Hills") and Ni Florida, Inc. ("Ni Florida") are the original and five copies of the Notice of Filing Late Filed Exhibit "J" and Late Filed Exhibit "K."

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,

Warsha E. Rule

MER/rl

Lenclosures

cc: Michael Cooke, General Counsel

F:\USERS\Marsha\Ni America\Heather Hills\Cole.july 02 08.wpd

DOCUMENT NUMBER-DATE

05756 JUL-28

**FPSC-COMMISSION CLERK** 

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Application of Keith and Clara Starkey	')	
d/b/a Heather Hills Estates and Ni Florida, Inc. for	)	
Approval of Transfer of Heather Hills Estates	)	Docket No. 080428-WS
Water and Wastewater Systems.	)	
	_)	Filed: July 2, 2008

# NOTICE OF FILING LATE FILED EXHIBIT "J" AND LATE FILED EXHIBIT "K"

Applicants, Keith and Clara Starkey d/b/a Heather Hills Estates and Ni Florida, Inc., by and through their undersigned counsel, hereby notices filing in the above-referenced docket Late Filed Exhibit "J" to its Application, which is the Affidavit of Mailing notice to each of the utilities, governmental bodies, agencies, and municipalities, and Late Filed Exhibit "K" to its Application, which is the Affidavit of Mailing notice to each customer of the system to be transferred.

Respectfully submitted this 2nd day of July, 2008.

Marsha E. Rule, Esquire

Marsha E. Rule

Rutledge, Ecenia & Purnell, P.A.

P.O. Box 551

Tallahassee, Florida 32302 -0551

(850) 681-6788 (Telephone)

(850) 681-6515 (Facsimile)

Counsel for Ni Florida, Inc.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Notice of Filing Late Filed Exhibit "J" and Late Filed Exhibit "K" was furnished by United States Mail to the following this 2<sup>nd</sup> day of July, 2008:

Michael Cooke, Esq. Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Marsha E. Rule, Esquire

Marsha E. Pale

niamerica\hh\noticeoffilingexhibitj-k

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

	)	Filed: July 2, 2008
Water and Wastewater Systems.	)	
Approval of Transfer of Heather Hills Estates	)	Docket No. 080428-WS
d/b/a Heather Hills Estates and Ni Florida, Inc. for	: )	
In re: Joint Application of Keith and Clara Starkey	7)	

#### AFFIDAVIT OF MAILING

STATE OF FLORIDA COUNTY OF LEON

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared D. ROXANNE LEVINGSTON, who, after being duly sworn on oath, did depose on oath and say that she is the secretary to Marsha E. Rule, Esquire, attorney for Ni Florida, Inc., and that on June 30, 2008, she 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 accordance with the list provided by the Florida Public Service Commission, which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Sworn to and subscribed before me this 2<sup>nd</sup> day of July, 2008, by D. Roxanne Levingston, who is personally known to me.

Print Name

**NOTARY PUBLIC** 

My Commission Expires: 9/30/2011

niamerica\heatherhills\affidavitofmailing





# NOTICE OF APPLICATION FOR TRANSFER OF WATER AND WASTEWATER CERTIFICATES

Notice is hereby given on the 30<sup>th</sup> day of June, 2008, pursuant to Section 367.071, Florida Statutes, of the Joint Application for Keith and Clara Starkey d/b/a Heather Hills Estates ("Heather Hills") and Ni Florida, LLC ("Ni Florida") for Approval of the Transfer of Heather Hills's Water and Wastewater Systems and Certificate Nos. 577-W and 498-S to Ni Florida, in Manatee County, Florida, providing water and wastewater service to the following described territory in Manatee County, Florida:

Section 11, Township 35S, Range 17E

The NE 1/4 of the SE 1/4 and the South 1/2 of the SE 1/4 of the NE 1/4.

also

Section 12, Township 35S, Range 17E From the NW corner of the SW 1/4 of the SW 1/4 of the NW 1/4 run due East 170.0 feet to the Point of Beginning;

thence due North 50.0 feet; thence due East 100.0 feet; thence due South 100.0 feet; thence due West 100.0 feet; thence due North 50.0 feet to the Point of Beginning.

Any objections to the Joint Application must be made in writing and filed within 30 days from the date of this Notice with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with a copy to Marsha E. Rule, Esq., Rutledge, Ecenia & Purnell P.A., P. O. Box 551, Tallahassee, Florida 32302. The objection must state the grounds for the objection with particularity.

Keith and Clara Starkey d/b/a Heather Hills Estates 4925 Third Street, West Bradenton, Florida 34207 (941)755-0123 (Telephone)

-- and - -

Ni Florida, LLC 10913 Metronome Houston, Texas 77043 (713) 574-5952 (Telephone)

## LIST OF WATER AND WASTEWATER UTILITIES IN MANATEE COUNTY (VALID FOR 60 DAYS) 06/23/2008 - 08/21/2008

**UTILITY NAME** 

**MANAGER** 

### MANATEE COUNTY

KEITH & CLARA STARKEY D/B/A HEATHER HILLS ESTATES (WS753) 4925 3RD STREET, WEST

KEITH STARKEY (941) 755-0123

BRADENTON, FL 34207-2608

SUNNY SHORES WATER CO., INC. (WS754) 3827 116TH STREET, W. BRADENTON, FL 34210-1139

JACK E. MASON (941) 794-2283

# LIST OF WATER AND WASTEWATER UTILITIES IN MANATEE COUNTY (VALID FOR 60 DAYS) 06/23/2008 - 08/21/2008

#### **UTILITY NAME**

**MANAGER** 

#### **GOVERNMENTAL AGENCIES**

CLERK, BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY COUNTY COURTHOUSE P. O. BOX 1000 BRADENTON, FL 34206-1000

DEP SOUTHWEST DISTRICT 3804 COCONUT PALM DRIVE TAMPA, FL 33618-8318

MAYOR, CITY OF ANNA MARIA P. O. BOX 608 ANNA MARIA, FL 34216-0608

MAYOR, CITY OF BRADENTON CALLER SERVICE 25015 BRADENTON, FL 34205

MAYOR, CITY OF BRADENTON BEACH 107 GULF DRIVE N. BRADENTON BEACH, FL 34217-2448

MAYOR, CITY OF HOLMES BEACH 5801 MARINA DRIVE HOLMES BEACH, FL 34217-1561

MAYOR, CITY OF PALMETTO 516 - 8TH AVENUE W. PALMETTO, FL 34221-5122

S.W. FLORIDA WATER MANAGEMENT DISTRICT 2379 BROAD STREET BROOKSVILLE, FL 34609-6899

TAMPA BAY REGIONAL PLANNING COUNCIL 4000 GATEWAY CENTRE BLVD., SUITE 100 PINELLAS PARK, FL 33782

TOWN MANAGER, TOWN OF LONGBOAT KEY (MANATEE COUNTY) 501 BAY ISLES ROAD LONGBOAT KEY, FL 34228-3102

# LIST OF WATER AND WASTEWATER UTILITIES IN MANATEE COUNTY (VALID FOR 60 DAYS) 06/23/2008 - 08/21/2008

**UTILITY NAME** 

**MANAGER** 

## **STATE OFFICIALS**

STATE OF FLORIDA PUBLIC COUNSEL C/O THE HOUSE OF REPRESENTATIVES THE CAPITOL TALLAHASSEE, FL 32399-1300

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

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

KEITH	IC SE	AVICE COMIN	1221ON
In re: Joint Application of Ken and Clara Starkey	)	<b>7</b> 5 1 437	050428-65
d/b/a Heather Hills Estates and Ni Florida, Inc. for Approval of Transfer of Heather Hills	)	Docket No	0,70,728.00,7
Estates's Water and Wastewater Systems.	)	Filed: June 30	), 2008
	<b></b> /		
<u>AFFIDAVIT OI</u>	MA	<u>LING</u>	

STATE OF FLORIDA COUNTY OF MANATEE

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared <u>lower lowers</u>, who, after being duly sworn on oath, did depose on oath and say that (he)(she) is <u>lowers</u> and that on June, 30, 2008, did send by regular U.S. Mail, a copy of the notice attached hereto to each customer in Keith and Clara Starkey d/b/a Heather Hills Estates's water and wastewater systems Florida Public Service Commission-certificated territory.

FURTHER AFFIANT SAYETH NAUGHT.

(SIGNATURE)

(PRINTED NAME)

Sworn to and subscribed before me this 30<sup>th</sup> day of June, 2008, by who (is personally known to me)(produced the following identification:

Clara Sharkey

STEPHANIE G GARDNER

MY COMMISSION & DD747865

EXPIRES RECOVER 10 2012

(407) 398-0153 Fiorida NotaryServes.com

Stephanie G. Gardnov
Print Name
NOTARY PUBLIC
My Commission Expires:



# NOTICE OF APPLICATION FOR TRANSFER OF WATER AND WASTEWATER CERTIFICATES

Notice is hereby given on the 30<sup>th</sup> day of June, 2008, pursuant to Section 367.071, Florida Statutes, of the Joint Application for Keith and Clara Starkey d/b/a Heather Hills Estates ("Heather Hills") and Ni Florida, LLC ("Ni Florida") for Approval of the Transfer of Heather Hills's Water and Wastewater Systems and Certificate Nos. 577-W and 498-S to Ni Florida, in Manatee County, Florida, providing water and wastewater service to the following described territory in Manatee County, Florida:

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