

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.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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

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

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.

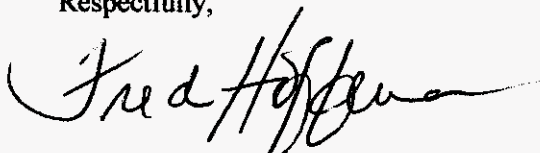
It is my wife's and my firm belief that this group forming Oak Lodge Utility lacks the knowledge and expertise necessary to operate a water and wastewater plant. We further believe that they lack the financial underpinnings to guarantee the successful operation of a plant which is likely to have degraded 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,

A handwritten signature in cursive script, appearing to read "Fred Hoffman". The signature is written in black ink and is positioned above the printed name.

Fred & Patricia Hoffman