

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Application for)
certificates to operate a water)
and wastewater utility in)
Charlotte and DeSoto Counties)
by Lake Suzy Utilities, Inc.)

DOCKET NO. 970657-WS
REPORTING

In Re: Application for)
Amendment of Certificate Nos.)
570-W and 496-S in Charlotte)
County by Florida Water Services)
Corporation.)

DOCKET NO. 980261-WS

PREHEARING STATEMENT OF
LAKE SUZY UTILITIES, INC.

LAKE SUZY UTILITIES, INC.'s ("Lake Suzy"), by and through its undersigned attorneys and pursuant to Rule 25-22.038, Florida Administrative Code, files this Prehearing Statement:

(a) The following are the names and addresses of all known witnesses which Lake Suzy may call and the subject matter of their testimony:

- 1. Dallas Shepard
Lake Suzy Utilities, Inc.
12408 SW Sheri Avenue
Lake Suzy, FL 33821

ACK _____

AFA _____

APP _____

CAF _____

CMU _____

CTR _____

EAG _____

LEG 1

LIN 5

OPC _____

RCH _____

SEC 1

WAS _____

OTH _____

- 2. A representative of DeSoto County.

This witness will testify regarding current water capacity of DeSoto County and the County's ability to provide Florida Water Services Corporation ("FWSC") with water for resale to the property in question.

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3. A representative of the Peace River/Manasota Regional Water Supply Authority.

This witness will testify regarding DeSoto County's allocation of water and the timing of its availability.

The representatives of DeSoto County and the Water Supply Authority will testify under subpoena.

(b) The following are descriptions of all known exhibits:

1. Application of Lake Suzy, including supplemental and amended filings - Composite Exhibit; sponsored by Mr. Shepard.
2. Lake Suzy Amended Water Supply Contract with DeSoto County; sponsored by Mr. Shepard.
3. DeSoto County agreements for water allocation from Water Supply Authority; sponsored by representative of DeSoto County.
4. Water and Wastewater Service Area Agreement dated December 9, 1997 between Charlotte County and Lake Suzy.

(c) Lake Suzy's basic position is that it is in the public interest for it to provide water service to the property in question. Merely because FWSC is a larger utility does not mean it is more qualified to serve the property in question even if it had the ability to do so. The addition of the 49 lots will allow Lake Suzy to benefit from economics of scale, whereas the addition of those lots to FWSC's service area will have no impact upon existing customers. All other things being equal, Lake Suzy should be granted the territory in question since it filed its application first.

(d) The following are questions of fact at issue:

1. Whether Lake Suzy has the technical and financial ability to serve the territory in question.
 - (i) Yes.
 - (ii) Dallas Shepard.

2. Whether Lake Suzy has sufficient capacity to serve the territory in question.
 - (i) Yes.
 - (ii) Dallas Shepard.

3. Is it in the public interest to grant Lake Suzy's application?
 - (i) Yes.
 - (ii) Dallas Shepard.

4. Whether there is a reasonable need for service in the proposed territory.
 - (i) Yes.
 - (ii) Dallas Shepard and Ms. Sopko.

5. Whether FWSC has the technical and financial ability to serve the territory in question.
 - (i) No.
 - (ii) Dallas Shepard.

6. Whether FWSC has sufficient capacity to serve the territory in question.
 - (i) No.
 - (ii) Dallas Shepard, Representative of DeSoto County and Representative of Water Supply Authority.

7. Is it in the public interest to grant FWSC's application?

(i) No.

(ii) Dallas Shepard.

(e) A statement of each question of law which Lake Suzy considers at issue and its position on each are as follows:

1. Has Lake Suzy met its burden of proof that it has the ability to provide water service to the proposed territory, that there is a need for water service in the proposed territory, and that its is the proper party to provide such service.

Yes.

2. Has FWSC met its burden of proof that it has the ability to provide water and wastewater service to the proposed territory, that there is a need for water service in the proposed territory, and that its is the proper party to provide such service.

No.

(f) A statement of each policy question that Lake Suzy considers at issue, its position on each such issue and which of its witnesses will address the issue is as follows:

If both parties are determined to be equally qualified to serve the territory in question, then the party whose application was filed first should be granted the territory in question.

(g) A statement of the issues that have been stipulated to by the parties are as follows:

None at this time.

(h) A statement of all pending motions or other matters Lake Suzy seeks action upon are as follows:


None at this time.

(i) A statement as to any requirement set forth in the procedural orders that cannot be complied with, and the reasons therefore are as follows:

None at this time.

Respectfully submitted this 1st day of December, 1998, by:

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MARTIN S. FRIEDMAN
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For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Matthew J. Feil, Esquire, Florida Water Services Corporation, P.O. Box 609520, Orlando, Florida 32860-9520, Haus Development, Inc., Post Office Box 3024, Port Charlotte, Florida 33949, John Marks, Esquire, Knowles, Marks & Randolph, 215 South Monroe Street, Suite 130, Tallahassee, Florida 32301 and Bobbie Reyes, Esquire, Florida Public Service Commission, Legal Division, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 this 1st day of December, 1998.



MARTIN S. FRIEDMAN

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