

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

March 12, 2003

FPSC, CLK - CORRESPONDENCE  
✓ Administrative Parties Consumer  
DOCUMENT NO. 13802-04  
DISTRIBUTION: \_\_\_\_\_

Jon Wheeler, Clerk  
Florida First District Court of Appeal  
301 South Martin Luther King Boulevard  
Tallahassee, Florida 32399

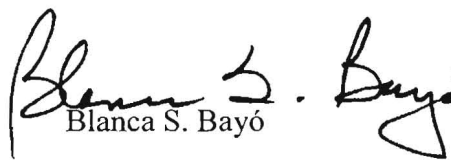
**Re: Florida Water Services Corporation vs. Florida Public Service Commission  
(Docket No. 021066-WS)**

Dear Mr. Wheeler:

Enclosed is a certified copy of a Notice of Administrative Appeal, filed in this office on behalf of Florida Water Services Corporation, filed March 10, 2003. A copy of Order No. PSC-03-0193-FOF-WS, the order on appeal, is attached to the notice as an exhibit.

It is our understanding that the index is due to be served on the parties to this proceeding on or before April 29, 2003.

Sincerely,

  
Blanca S. Bayó

BB:mhl  
I:\Appeals\NOAtoDCA.wpd  
Enclosure

cc: J. Stephen Menton, Esquire  
Carlyn Kowalsky, Esquire  
David Smith, Esquire

**RUTLEDGE, ECENIA, PURNELL & HOFFMAN**

PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS AT LAW

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GOVERNMENTAL CONSULTANTS  
MARGARET A. MENDUNI  
M. LANE STEPHENS

March 10, 2003

Ms. Blanca Bayo, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**HAND DELIVERY**

RECEIVED-FPSC  
03 MAR 10 PM 3:52  
COMMISSION  
CLERK

Re: Docket No. 021066-WS

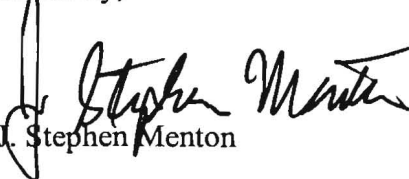
Dear Ms. Bayo:

Enclosed with this letter on behalf of Florida Water Services Corporation ("Florida Water") are the original and two copies of Florida Water's Notice of Appeal. We have filed this date a copy of the Notice of Appeal with the First District Court of Appeal, Clerk of Court, along with a check made payable to the Court for the appropriate filing fee.

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,

  
J. Stephen Menton

JSM/knb

Enclosures

cc: All Parties of Record  
Clerk First District Court of Appeal  
021066\Bayo.207

RECEIVED & FILED

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**FLORIDA WATER SERVICES CORPORATION,**

**Appellant,**

**vs.**

**Lower Tribunal Case No. 021066-WS  
Filed: March 10, 2003**

**FLORIDA PUBLIC SERVICE COMMISSION,**

**Appellee,**

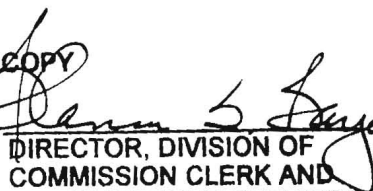
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**FLORIDA WATER SERVICES CORPORATION'S  
NOTICE OF ADMINISTRATIVE APPEAL**

NOTICE IS GIVEN that pursuant to Rule 9.190, Florida Rules of Appellate Procedure, Florida Water Services Corporation ("Florida Water"), appeals to the First District Court of Appeal, the Order Requiring Florida Water Services Corporation to File an Application for Approval of its Proposed Sale Pursuant to Section 367.071 (1), Florida Statutes, and Rule 25-30.037(2), Florida Administrative Code, rendered on February 7, 2003 by the Florida Public Service Commission ("FPSC"). The nature of the Order is a prohibition against Florida Water selling its assets to the Florida Water Services Authority, a governmental entity created pursuant to Chapter 163, Florida Statutes, prior to approval of an application pursuant to Section 367.071(1), Florida Statutes, and Rule 25-30.037(2), Florida Administrative Code. Florida Water contends that the Order is inconsistent with the controlling statutes and an unreasonable restraint on alienation of property.

A TRUE COPY

ATTEST

  
DIRECTOR, DIVISION OF  
COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES

DOCUMENT NUMBER-DATE

02381 MAR 10 '03

FPSC-COMMISSION CLERK

A copy of the order is attached hereto as Exhibit A.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Kenneth A. Hoffman", is written over a horizontal line.

KENNETH A. HOFFMAN, ESQ.

I. STEPHEN MENTON, ESQ.

Florida Bar No.: 331191

Rutledge, Ecenia, Purnell & Hoffman, P.A.

P. O. Box 551

Tallahassee, Florida 32302

(850) 681-6788 (Telephone)

(850) 681-6515 (Telecopier)

- - and - -

CARLYN KOWALSKY, ESQ.

Vice President and General Counsel

Florida Water Services Corporation

P. O. Box 609520

Orlando, Florida 32860-9520

(407) 598-4297 (Telephone)

(407) 589-4241 (Telecopier)

Attorneys for Florida Water Services Corporation

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 10th day of March, 2003 to:

Harold McLean  
General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 301J  
Tallahassee, Florida 32399-0850

John R. Marks, III  
Knowles, Marks & Randolph, P.A.  
215 South Monroe Street, Suite 130  
Tallahassee, Florida 32301

Charles J. Beck  
Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400

Mr. Chuck Lewis  
Hernando County Board of County Com.  
20 North Main Street, Room 461  
Brooksville, FL 34601-2849

John R. Jenkins, Esq.  
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Tallahassee, Florida 32301

Robert Scheffel Wright, Esq.  
John T. LaVia, Esq.  
Landers & Parsons, P.A.  
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Thomas C. Palmer, Esq.  
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Administrative Building, 8<sup>th</sup> Floor  
Naples, Florida 34112

Michael B. Twomey, Esq.  
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Tallahassee, FL 32314-5256

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P. O. Box 1010  
Fernandina Beach, FL 32035

Carl E. Kern, Esq.  
Flagler County Attorney  
1200 East Moody Boulevard, #1  
Bunnell, Florida 32110

William L. Colbert, Esq.  
Lonnie N. Groot, Esq.  
Virginia Cassady, Esq.  
P. O. Box 4848  
Sanford, FL 32772-4848

  
KENNETH A. HOFFMAN

F:\USERS\ROXANNE\021066\noticeofappeal

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
proposed sale of Florida Water  
Services Corporation.

DOCKET NO. 021066-WS  
ORDER NO. PSC-03-0193-FOF-WS  
ISSUED: February 7, 2003

The following Commissioners participated in the disposition of  
this matter:

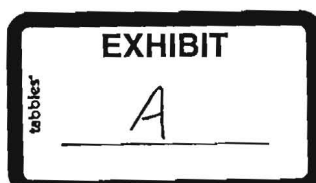
LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

ORDER REQUIRING FLORIDA WATER SERVICES CORPORATION TO FILE  
AN APPLICATION FOR APPROVAL OF ITS PROPOSED SALE PURSUANT TO  
SECTION 367.071(1), FLORIDA STATUTES, AND RULE 25-30.037(2),  
FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

The Commission opened this docket in October of 2002, for the  
purpose of investigating the proposed sale of Florida Water  
Services Corporation (FWSC) to a newly created entity named Florida  
Water Services Authority (FWSA). Charlotte County and the Office  
of Public Counsel (OPC) have been granted intervention in this  
docket.

In the furtherance of the continuing investigation into the  
proposed sale of FWSC to FWSA, on December 20, 2002, comments were  
solicited from parties and interested persons. In particular,  
input was sought as to whether the FWSA is a "governmental  
authority" as defined by Section 367.021(7), Florida Statutes, and  
whether the FWSA is exempt from Commission regulation pursuant to  
Section 367.022(2), Florida Statutes. Numerous responses were  
received from persons and parties in areas served by FWSC,  
including Senator Nancy Argenziano, Hernando County, the City of  
Palm Coast, Collier County, Charlotte County, Citrus County,  
Sugarmill Woods Civic Association, as well as FWSC. The responses



raised many concerns as to whether FWSA is a "governmental authority" as defined by Section 367.021(7), Florida Statutes, and therefore, whether the FWSA should be exempt from Commission regulation pursuant to Section 367.022(2), Florida Statutes.

FWSC is Florida's largest investor-owned water and wastewater treatment utility, consisting of over 150 systems located throughout Florida in 26 counties, and serving over 500,000 customers. A large number of those systems are located in counties that we regulate, and thus, hold a certificate of authorization from this Commission. Section 367.071(1), Florida Statutes, clearly states that no utility shall sell its facilities or any portion thereof, without obtaining our approval, thereby putting the responsibility on FWSC to obtain our approval prior to the sale to FWSA.

We note that while it is clear that our approval is a prerequisite to any transfer, such approval is to be rendered according to the nature of the entity that is purchasing or acquiring the utility. Specifically, pursuant to Section 367.071(4)(a), Florida Statutes, the sale of facilities, in whole or in part, to a governmental authority shall be approved as a matter of right. However, pursuant to Section 367.071(1), Florida Statutes, no sale to a private entity shall take place without Commission determination and approval that the proposed sale is in the public interest and that the buyer will fulfill the commitments, obligations, and representations of the utility.

Irrespective of the nature of the acquiring entity, whether it is a governmental authority or a private entity, the obligation of the transferring utility to seek our approval of the transfer still exists. The sale of FWSC is scheduled to take place on February 14, 2003; however, to date, no application by FWSC seeking our approval of this transfer has been received.

In addition, we believe that the Legislature attached great importance to our authority to consider transfers, whether as a matter of right or upon a public interest finding, because it provided a device by which the transfer could legally take place prior to Commission approval as long as the contract arranging the

transfer contains a clause preserving our authority to examine the sale. Specifically, Section 367.071(1), Florida Statutes, states that a transfer of a utility's facilities, or any portion thereof, may occur prior to our approval if the contract is made contingent upon our approval.

Upon request, a copy of the contract for sale of FWSC to FWSA was provided to our staff, and it appeared that no such contingency was included. However, prior to our consideration of this matter at the February 4, 2003, Agenda Conference, our staff was made aware that on December 20, 2002, the contract for the proposed sale was amended to include contingency language. On February 4, 2003, our staff was provided with a copy of the amended application. Specifically, the amended contract includes the following provision:

#### 10.12 Regulatory Transfer Contingency

The sale and transfer of the Assets pursuant to this Agreement is contingent upon the approval by the Florida Public Service Commission and the other applicable County Regulatory Agencies. Pursuant to Section 163.01(7), Florida Statutes, Section 367.071(4)(a), Florida Statutes, and prior legal precedent, such approvals may be obtained after Closing and must be granted as a matter of right.

In consideration of the efficacy of this language, we find that this language, as it exists in the amended contract for sale, is inadequate to protect the consumers that will be affected by FWSC's proposed sale.

#### Time is of the Essence

We believe that the transfer in question is imminent. Indeed, the latest information obtained indicates that the transfer is currently scheduled to close on February 14, 2003. As announcement of the proposed sale occurred in September of 2002, we believe that FWSC has had more than adequate time to file an application seeking our approval of the transfer. Our approval under Florida's



Administrative Code, which requires due process to all substantially affected parties, will take more time than that afforded by the few weeks which remain between this date and the proposed closing.

In addition, several parties and interested persons have raised many questions and concerns as to whether the acquiring entity, FWSA, is a governmental authority as defined by Section 367.021(7), Florida Statutes. In consideration of these concerns and the potentially enormous impact of the proposed sale, the appropriate action to take is a precautionary one. Therefore, we will not pre-suppose that FWSA is a governmental authority, nor that the proposed sale will be approved as a matter of right.

Given the brief time before the proposed sale is scheduled to take place, and in order to preserve our opportunity to examine the transfer, FWSC must initiate an application seeking our approval of the transfer by no later than Friday, February 7, 2003. We believe that this action is necessary in order to protect the customers of FWSC prior to the proposed sale taking place, and also to prevent an irreversible situation whereby we would be deprived of determining whether this sale should be approved as a matter of right, or whether there must be a determination made that the sale is in the public interest.

Accordingly, we hereby order FWSC to file an application for approval of the proposed transfer as mandated by Section 367.071(1), Florida Statutes, and Rule 25-30.037(2), Florida Administrative Code, by Friday, February 7, 2003. FWSC shall also address questions raised as to whether the application should be approved as a matter of right or whether there should be a public interest standard applied by the Commission. The application shall also include further information and explanation supporting the statements made by FWSC that as of Tuesday, February 4, 2003, FWSA has been re-formed as a non-profit corporation as defined by 367.021(7), Florida Statutes.

In addition, on our own motion, this matter shall be set for hearing. Furthermore, we find that continued negotiations shall be permissible, and are encouraged among the parties of record and the

interested persons, for the purpose of reaching an agreement that would address the concerns raised regarding this proposed sale.

Further, we find that the existing contingency language that in the amended contract for sale is inadequate to protect consumers. Accordingly, FWSC is hereby prohibited from selling its assets prior to obtaining Commission approval of its application, or Commission approval of satisfactory contingency language in its contract for sale. This directive is predicated on this Commission's inherent authority to protect the customers of FWSC; a power that is enumerated in Sections 367.011 and 367.121, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Water Services Corporation shall file an application for approval of its proposed transfer to Florida Water Services Authority, in accordance with Section 367.071(1), Florida Statutes, and Rule 25-30.037(2), Florida Administrative Code, by Friday, February 7, 2003, and shall include the information set out in the body of this Order. It is further

ORDERED that this matter shall be set for hearing. It is further

ORDERED that in accordance with our finding that the existing contingency language that has been included in the amended contract for sale is inadequate to protect consumers, FWSC is hereby prohibited from selling its assets prior to obtaining Commission approval of its application, or until it obtains Commission approval of satisfactory contingency language in its contract for sale. It is further

ORDERED that this docket shall remain open pending resolution of the matters stated herein.

ORDER NO. PSC-03-0193-FOF-WS  
DOCKET NO. 021066-WS  
PAGE 6

By ORDER of the Florida Public Service Commission this 7th day  
of February, 2003.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: /s/ Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

This is a facsimile copy. Go to the  
Commission's Web site,  
<http://www.floridapsc.com> or fax a request  
to 1-850-413-7118, for a copy of the order  
with signature.

( S E A L )

LAH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of

ORDER NO. PSC-03-0193-FOF-WS

DOCKET NO. 021066-WS

PAGE 7

the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

## MEMORANDUM

March 14, 2003

**TO:** KAY FLYNN/CCA  
SANDY MOSES/CCA  
MARY DISKERUD/GCL-APP  
WANDA TERRELL/GCL-APP

**FROM:** DAVID E. SMITH, ATTORNEY SUPERVISOR, GENERAL  
COUNSEL/APPEALS, RULES & MEDIATION DES/WJ

**RE:** FLORIDA WATR SERVICES CORPORATION v. FLORIDA PUBLIC  
SERVICE COMMISSION; DOCKET NO. 021066-WS; FLORIDA FIRST  
DISTRICT COURT OF APPEAL.

FPSC, CLK - CORRESPONDENCE  
✓ Administrative Parties Consumer  
DOCUMENT NO. 13802-04  
DISTRIBUTION:

RECEIVED FPSC  
03 MAR 17 PM 4:38  
COMMISSION  
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Please note that the above appeal has been assigned to Richard Bellak.  
The Notice of Administrative Appeal was filed on March 10, 2003. The case schedule is as follows:

<u>Date</u>	<u>Item</u>
From day of filing:	
<u>04/15/03</u>	Draft of Index of Record from CCA to Appeals Attorney.
<u>04/29/03</u>	Index of Record served on Parties.
<u>05/09/03</u>	Copy of Record to Appeals.
<u>05/19/03</u>	Appellant's Initial Brief Due.
<u>06/03/03</u>	Draft Commission Answer Brief Due.
<u>06/08/03</u>	Commission's Answer Brief Due.
<u>06/28/03</u>	Appellant's Reply Brief Due.

Section 1 - Bureau of Records and Hearing ices Completes

Official Filing Date: \_\_\_\_\_  
Last Day to Suspend: \_\_\_\_\_

Expiration: \_\_\_\_\_

Section 2 - OPR Completes and returns to CCA in 10 workdays.

### Time Schedule

### Staff Assignments

OPR Staff

Staff Counsel

OCRS (EXT)

( )

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( )

( )

( )

Recommended assignments for hearing  
and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel \_\_\_\_\_  
Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: \_\_\_\_\_

Initials: OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
Current CASR revision level

### Due Dates

Previous Current

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### Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	PL	BD		

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	PL	BD	

DOCUMENT NO

Approved:

Date:     /     /



# Case Assignment and Scheduling Record

Section 1 - Bureau of Records and Hearings Services Completes

Docket No. 021066-WS Date Docketed: 10/22/2002 Title: Investigation into proposed sale of Florida Water Services Corporation.  
Company: Florida Water Services Corporation

Official Filing Date: \_\_\_\_\_  
Last Day to Suspend: \_\_\_\_\_

Expiration: \_\_\_\_\_

Referred to:  
("()" indicates OPR)

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Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program/Module A18:B1(e)

## Staff Assignments

OPR Staff P Daniel, C Kummer, M Willis

Staff Counsel L Holley

OCRs (EXT) J Williams

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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 10/28/2002

Initials: OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
Current CASR revision level**

0

## Due Dates

Previous Current

1. Company Response to Informal Data Request	NONE	11/12/2002
2. Staff Response to Collier County	NONE	12/06/2002
3. Revised CASR Due	NONE	12/20/2002
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## Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	PL	BD		
X							

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	PL	BD	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.  
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: B/ame

Date: 10/28/2002



# Case Scheduling/Rescheduling Advice

Last Revised 02/05/2003 at 11:05

Page 1 of 1

Printed on 02/11/2003 at 14:29

To: ☒ Commissioner Deason ☒ Deputy Executive Director/EXA ☒ Economic Regulation Director  
☒ Commissioner Baez ☒ General Counsel Director ☒ External Affairs Director  
☒ Commissioner Bradley ☐ Auditing & Safety Director ☒ Court Reporter  
☒ Commissioner Davidson ☒ Comm. Clerk & ADM Services ☒ Staff Contact - Lorena Holley  
☒ Executive Director ☐ Competitive Markets/Enforcement  
☒ Public Information Officer ☒ Consumer Affairs Director

From: Office of Chairman Lila Jaber

Docket Number: 021066-WS

Docket Title: Investigation into proposed sale of Florida Water Services Corporation.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference		06/13/2003	Tallahassee, Room 148	1:30 PM - 5:00 PM
Hearing		07/10/2003	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		07/11/2003	Tallahassee, Room 148	9:30 AM - 5:00 PM

## 2. Hearing/Prehearing Assignment Information

### Hearing Officers

#### Former Assignments

Commissioners						Hearing Exam.	Staff
ALL	JB	DS	BZ	BD	DV		

#### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JB	DS	BZ	BD	DV		
X							

### Prehearing Officer

Commissioners						
JB	DS	BZ	BD	DV	ADM	

Commissioners						
JB	DS	BZ	BD	DV	ADM	
		X				

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks:

# Case Scheduling/Rescheduling Advice

Last Revised 02/10/2003 at 08:53

Page 1 of 1

Printed on 02/11/2003 at 14:29

To: ☒ Commissioner Deason ☒ Deputy Executive Director/EXA ☒ Economic Regulation Director  
☒ Commissioner Baez ☒ General Counsel Director ☒ External Affairs Director  
☒ Commissioner Bradley ☐ Auditing & Safety Director ☒ Court Reporter  
☒ Commissioner Davidson ☒ Comm. Clerk & ADM Services ☒ Staff Contact - Lorena Holley  
☒ Executive Director ☐ Competitive Markets/Enforcement ☐  
☒ Public Information Officer ☒ Consumer Affairs Director ☐

From: Office of Chairman Lila Jaber

Docket Number: 021066-WS

Docket Title: Investigation into proposed sale of Florida Water Services Corporation.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	06/13/2003	06/16/2003	Tallahassee, Room 148	1:30 PM - 5:00 PM

## 2. Hearing/Prehearing Assignment Information

### Hearing Officers

#### Former Assignments

Commissioners						Hearing Exam.	Staff
ALL	JB	DS	BZ	BD	DV		

#### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JB	DS	BZ	BD	DV		
X							

### Prehearing Officer

Commissioners						
JB	DS	BZ	BD	DV	ADM	

Commissioners						
JB	DS	BZ	BD	DV	ADM	
		X				

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: H - July 10-11, 2003

# Case Assignment and Scheduling Record

## Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 021066-WS Date Docketed: 10/22/2002 Title: Investigation into proposed sale of Florida Water Services Corporation.  
 Company: Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_  
 ("() " indicates OPR) AUS CAF CCA CMP (ECR) EXT GCL MMS PIF  
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## Section 2 - OPR Completes and returns to CCA in 10 workdays.

### Time Schedule

Program/Module A18:B1(e)

### Staff Assignments

OPR Staff P Daniel, C Kummer, M Willis

Staff Counsel L Holley

OCRs (EXT) J Williams

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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 05/16/2003

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION.**  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
 Current CASR revision level

2

### Due Dates

Previous Current

1. Staff Recommendation	NONE	06/05/2003
2. Agenda	NONE	06/17/2003
3. Standard Order	NONE	07/07/2003
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## Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	BD	DV		
X							

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	BD	DV	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: \_\_\_\_\_

Date: 05/16/2003

# Case Scheduling/Rescheduling Advice

Last Revised 05/28/2003 at 11:18

Page 1 of 1

Printed on 05/28/2003 at 11:19

To: ☒ Commissioner Deason ☒ Deputy Executive Director/EXA ☒ Economic Regulation Director  
☒ Commissioner Baez ☒ General Counsel Director ☒ External Affairs Director  
☒ Commissioner Bradley ☐ Auditing & Safety Director ☒ Court Reporter  
☒ Commissioner Davidson ☒ Comm. Clerk & ADM Services ☒ Staff Contact - Lorena Holley  
☒ Executive Director ☐ Competitive Markets/Enforcement  
☒ Public Information Officer ☒ Consumer Affairs Director

From: Office of Chairman Lila Jaber

Docket Number: 021066-WS

Docket Title: Investigation into proposed sale of Florida Water Services Corporation.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Hearing	07/11/2003	Cancelled	Tallahassee, Room 148	9:30 AM - 5:00 PM
Prehearing Conference	06/16/2003	02/09/2004	Tallahassee, Room 152	1:30 PM - 5:00 PM
Hearing	07/10/2003	02/25/2004	Tallahassee, Room 148	9:30 AM - 5:00 PM

## 2. Hearing/Prehearing Assignment Information

### Former Assignments

#### Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	JB	DS	BZ	BD	DV		

### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JB	DS	BZ	BD	DV		
X							

#### Prehearing Officer

Commissioners					
JB	DS	BZ	BD	DV	ADM

Commissioners					
JB	DS	BZ	BD	DV	ADM
		X			

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks:

The hearing will only require 1-day.



# Case Assignment and Scheduling Record

## Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 021066-WS Date Docketed: 10/22/2002 Title: Investigation into proposed sale of Florida Water Services Corporation.  
 Company: Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_  
 ("()") indicates OPR) \_\_\_\_\_

AUS CAF CCA CMP (ECR) EXT GCL MMS PIF  
 \_\_\_\_\_ X X X \_\_\_\_\_

## Section 2 - OPR Completes and returns to CCA in 10 workdays.

### Time Schedule

Program/Module A18:B1(e)

### Staff Assignments

OPR Staff P Daniel, C Kummer, M Willis

Staff Counsel L Holley

OCRs (EXT) J Williams

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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 05/28/2003

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
 Current CASR revision level**

3

### Due Dates

Previous Current

1. Revised CASR Due	NONE	08/29/2003
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## Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	BD	DV		
X							

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

*CSRA - Hrg resch'd - action postponed pending further review.*  
 Prehearing Officer

Commissioners					ADM
JB	DS	BZ	BD	DV	
		X			

Approved: *[Signature]*

Date: Pending 5/30/03

# Case Scheduling/Rescheduling Advice

Last Revised 08/27/2003 at 14:50

Page 1 of 1

Printed on 08/27/2003 at 14:50

To: ☒ Commissioner Deason ☒ Deputy Executive Director/EXA ☒ Economic Regulation Director  
☒ Commissioner Baez ☒ General Counsel Director ☒ External Affairs Director  
☒ Commissioner Bradley ☐ Auditing & Safety Director ☒ Court Reporter  
☒ Commissioner Davidson ☒ Comm. Clerk & ADM Services ☒ Staff Contact - Lorena Holley  
☒ Executive Director ☐ Competitive Markets/Enforcement ☐  
☒ Public Information Officer ☒ Consumer Affairs Director ☐

From: Office of Chairman Lila Jaber

Docket Number: 021066-WS

Docket Title: Investigation into proposed sale of Florida Water Services Corporation.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Hearing	02/25/2004	02/23/2004	Tallahassee, Room 148	9:30 AM - 5:00 PM

## 2. Hearing/Prehearing Assignment Information

### Former Assignments

#### Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	JB	DS	BZ	BD	DV		

### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JB	DS	BZ	BD	DV		
X							

#### Prehearing Officer

Commissioners					
JB	DS	BZ	BD	DV	ADM

Commissioners					
JB	DS	BZ	BD	DV	ADM
		X			

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: PH is on 2/9/04.

## Section 1 - Bureau of Records and Hearings Services Completes

Docket No. 021066-WS Date Docketed: 10/22/2002 Title: Investigation into proposed sale of Florida Water Services Corporation.

Company: Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to: \_\_\_\_\_

("O") indicates OPR

AUS	CAF	CCA	CMP	(ECR)	EXT	GCL	MMS	PIF
				X	X	X		

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A18; B1(e)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

## Staff Assignments

OPR Staff

P Daniel, C Kummer  
 M Willis

Staff Counsel

L Holley

OCRs (EXT)

J Williams

3 Current CASR revision level

Due Dates

Previous Current

1. Revised CASR Due	SAME	11/21/2003
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 08/27/2003

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

## Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	JB	DS	BZ	BD	DV	Exam	
X							

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	BD	DV	
		X			

Approved: LJ/surt

Date: 08/27/2003

## Section 1 - Bureau of Records and Hearings Services Completes

Docket No. 021066-W5 Date Docketed: 10/22/2002 Title: Investigation into proposed sale of Florida Water Services Corporation.

Company: Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation

Official Filing Date: \_\_\_\_\_

Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to: \_\_\_\_\_

("C") indicates OPR

AUS CAF CCA CMP (ECR) EXT GCL MMS PIF

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A18; B1(e)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

## Staff Assignments

OPR Staff	Staff Assignments	4 Current CASR revision level	Due Dates	
			Previous	Current
P Daniel, C Kummer		1. Staff Recommendation	NONE	01/08/2004
M Willis		2. Agenda	NONE	01/20/2004
		3. Standard Order	NONE	02/09/2004
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 11/20/2003

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

## Section 3 - Chairman Completes

Assignments are as follows:

## - Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	JB	DS	BZ	BD	DV	Exam	
X							

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

## - Prehearing Officer

Commissioners					ADM
JB	DS	BZ	BD	DV	
		X			

Approved: [Signature]

Date: 11/20/2003

# Case Scheduling/Rescheduling Advice

Last Revised 01/14/2004 at 10:53

Page 1 of 1

Printed on 01/14/2004 at 10:57

**To:**

<input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Commissioner Bradley <input checked="" type="checkbox"/> Commissioner Davidson <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/EXA <input checked="" type="checkbox"/> General Counsel Director <input type="checkbox"/> Auditing & Safety Director <input checked="" type="checkbox"/> Comm. Clerk & ADM Services <input type="checkbox"/> Competitive Markets/Enforcement <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Economic Regulation Director <input checked="" type="checkbox"/> External Affairs Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - Lorena Holley <input type="checkbox"/>
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**From:** Office of Chairman Braulio Baez

**Docket Number:** 021066-WS

**Docket Title:** Investigation into proposed sale of Florida Water Services Corporation.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	02/09/2004	Cancelled	Tallahassee, Room 152	1:30 PM - 5:00 PM
Hearing	02/23/2004	Cancelled	Tallahassee, Room 148	9:30 AM - 5:00 PM

## 2. Hearing/Prehearing Assignment Information

### Hearing Officers

Former Assignments

Commissioners						Hearing Exam.	Staff
ALL	BZ	DS	JB	BD	DV		

### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	BZ	DS	JB	BD	DV		
X							

### Prehearing Officer

Commissioners						
BZ	DS	JB	BD	DV	ADM	

Commissioners						
BZ	DS	JB	BD	DV	ADM	
X						

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

**Remarks:** PH is on 2/9/04.

## Section 1 - Bureau of Records and He g Services Completes

Docket No. 021066-WS Date Docketed: 10/22/2002 Title: Investigation into proposed sale of Florida Water Services Corporation.

Company: Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation

Official Filing Date: \_\_\_\_\_

Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to: \_\_\_\_\_

("()") indicates OPR

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Program Module A18; B1(e)

## Staff Assignments

OPR Staff P Daniel, C Kummer  
 M Willis

Staff Counsel L Holley

OCRs (EXT) J Williams

Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 01/08/2004

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

AUS	CAF	CCA	CMP	(ECR)	EXT	GCL	MMS	PIF
				X	X	X		

## Time Schedule

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Current CASR revision level	Due Dates	
	Previous	Current
5		
1. Staff Recommendation	01/08/2004	01/22/2004
2. Agenda	01/20/2004	02/03/2004
3. Standard Order	02/09/2004	02/23/2004
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## Section 3 - Chairman Completes

Assignments are as follows:

## - Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	
X							

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

## - Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
X					

Approved: BB/mg 1/15/04  
 Date: Pending



## Section 1 - Bureau of Records and Hearings Services Completes

Docket No. 021066-WS Date Docketed: 10/22/2002 Title: Investigation into proposed sale of Florida Water Services Corporation.

Company: Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation  
 Florida Water Services Corporation

Official Filing Date: \_\_\_\_\_

Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to: \_\_\_\_\_

("C") indicates OPR)

AUS	CAF	CCA	CMP	(ECR)	EXT	GCL	MMS	PIF
				X	X	X		

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A18; B1(e)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

## Staff Assignments

OPR Staff

P Daniel, C Kummer  
 M Willis

6 Current CASR revision level

## Due Dates

Previous Current

1. Staff Recommendation	NONE	03/04/2004
2. Agenda	NONE	03/16/2004
3. Standard Order	NONE	04/05/2004
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Recommended assignments for hearing  
 and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 02/05/2004

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

## Section 3 - Chairman Completes

Assignments are as follows:

## - Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	
X							

Where panels are assigned the senior Commissioner is Panel Chairman:  
 the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is  
 assigned the full Commission decides the case.

## - Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
X					

Approved: BB/4Date: 02/05/2004

C

**CCA Official Filing:**

**10/22/02\*\*\*\*\*9:00 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

Kay Flynn

---

**To:** Patti Daniel  
**Cc:** Tim Devlin; Marshall Willis; Connie Kummer; John Williams; Mary Anne Helton; Harold McLean  
**Subject:** RE: New FWSC docket

Will do.

-----Original Message-----

**From:** Patti Daniel  
**Sent:** Tuesday, October 22, 2002 8:55 AM  
**To:** Kay Flynn  
**Cc:** Tim Devlin; Marshall Willis; Connie Kummer; John Williams; Mary Anne Helton; Harold McLean  
**Subject:** RE: New FWSC docket

Kay, please go ahead and open the new docket to investigate the sale of FWSC. Thanks.

-----Original Message-----

**From:** Tim Devlin  
**Sent:** Tuesday, October 22, 2002 8:48 AM  
**To:** Patti Daniel  
**Subject:** FW: New FWSC docket

Patti, please go ahead and open the docket.

-----Original Message-----

**From:** Mary Bane  
**Sent:** Monday, October 21, 2002 3:54 PM  
**To:** Tim Devlin  
**Cc:** Harold McLean; Mary Anne Helton  
**Subject:** RE: New FWSC docket

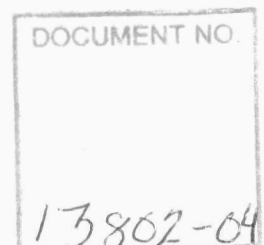
Tim, Harold said he would pass the word to Mary Anne that the docket can be opened now rather than waiting until Wednesday. Check with her.

-----Original Message-----

**From:** Tim Devlin  
**Sent:** Monday, October 21, 2002 11:36 AM  
**To:** Mary Bane  
**Subject:** FW: New FWSC docket

-----Original Message-----

**From:** Patti Daniel  
**Sent:** Monday, October 21, 2002 11:22 AM  
**To:** Tim Devlin; Connie Kummer; Marshall Willis; John Williams  
**Cc:** Mary Anne Helton; Kay Flynn  
**Subject:** New FWSC docket



**CCA Official Filing:**

**10/22/02\*\*\*\*\*9:00 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*2**

Per Mary Ann, Harold would like for us to hold up opening the docket until he has a chance to talk to the Chairman.

ORIGINAL

**RUTLEDGE, ECENIA, PURNELL & HOFFMAN**

PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA  
KENNETH A. HOFFMAN  
THOMAS W. KONRAD  
MICHAEL G. MAIDA  
MARTIN P. McDONNELL  
J. STEPHEN MENTON

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215 SOUTH MONROE STREET, SUITE 420  
TALLAHASSEE, FLORIDA 32301-1841

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R. DAVID PRESCOTT  
HAROLD F. X. PURNELL  
MARSHA E. RULE  
GARY R. RUTLEDGE  
GOVERNMENTAL CONSULTANTS  
MARGARET A. MENDUNI  
M. LANE STEPHENS

October 25, 2002

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

Re: Florida PSC Docket No. 021066-WS - Investigation into Proposed Sale of Florida  
Water Services Corporation

Dear Ms. Bayo:

Please place our firm on the notice and monitoring list for the above-referenced docket and provide copies of all notices, CASRs, orders, staff recommendations, pleadings and other documents filed, served or issued in the above-referenced docket to the following:

Kenneth A. Hoffman, Esq.  
Martin P. McDonnell, Esq.  
Rutledge, Ecenia, Purnell & Hoffman, P.A.  
P. O. Box 551  
Tallahassee, FL 32302-0551  
(850) 681-6788 (telephone)  
(850) 681-6515 (fax)

Thank you for your assistance in this matter.

Sincerely,



Kenneth A. Hoffman

KAH/rl

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTP \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
GPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



OFFICE OF THE GENERAL COUNSEL  
HAROLD A. MCLEAN  
GENERAL COUNSEL  
(850) 413-6199

Public Service Commission

October 29, 2002

RECEIVED  
OCT 29 PM 1:37  
COMMISSION  
CLERK

Mr. Chuck Lewis  
Director of Regulatory and Franchise  
Administration/Property Management  
20 North Main Street, Room 461  
Brooksville, Florida 34601

Re: Docket No. 021066-WS - Investigation into proposed sale of Florida Water  
Services Corporation.

Dear Mr. Lewis:

This letter is to confirm our telephone conversation from Monday, October 28, 2002.

As you aware, the Public Service Commission has opened the docket referenced above in order to investigate the proposed sale of Florida Water Services Corporation. You may access the docket in order to obtain scheduling information or documents that have been filed in the docket at anytime through the Commission's website at <http://www.psc.state.fl.us/>, and by referencing the docket number.

At this time, Hernando County is listed in the docket as an Interested Party, and you are listed as Hernando County's representative. In the future, if you wish to change Hernando County's status from Interested Party to an official Party of Record, you should file a Petition to Intervene pursuant to Rule 25-22.039, Florida Administrative Code.

Please do not hesitate to contact me at (850)413-6185 at any time should you have further questions or need any information.

Sincerely,

*Lorena A. Holley*  
Lorena A. Holley  
Senior Attorney

LAH/dm

cc: Division of the Commission Clerk and Administrative Services  
Division of Economic Regulation (Daniel, Kummer, Willis)  
Division of External Affairs (J. Williams)

F:\LettertoHernando.lah

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STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



OFFICE OF THE GENERAL COUNSEL  
HAROLD A. MCLEAN  
GENERAL COUNSEL  
(850) 413-6199

Public Service Commission

October 29, 2002

02 OCT 29 PM 1:37  
COMMISSION  
CLERK

Mr. Thomas C. Palmer  
Assistant County Attorney  
3301 East Tamiami Trail  
Administrative Building, 8th Floor  
Naples, Florida 34112

Re: Docket No. 021066-WS - Investigation into proposed sale of Florida Water Services Corporation.

Dear Mr. Palmer:

This letter is to confirm our telephone conversation from Monday, October 28, 2002.

As you aware, the Public Service Commission has opened the docket referenced above in order to investigate the proposed sale of Florida Water Services Corporation. You may access the docket in order to obtain scheduling information or documents that have been filed in the docket at anytime through the Commission's website at <http://www.psc.state.fl.us/>, and by referencing the docket number.

At this time, Collier County is listed in the docket as an Interested Party, and you are listed as Collier County's representative. In addition, at your request, Mike Twomey will also be listed as Special Counsel for Collier County. In the future, if you wish to change Collier County's status from Interested Person to an official Party of Record, you should file a Petition to Intervene pursuant to Rule 25-22.039, Florida Administrative Code.

Please do not hesitate to contact me at (850)413-6185 at any time should you have further questions or need any information.

Sincerely,

*Lorena A. Holley*  
Lorena A. Holley  
Senior Attorney

LAH/dm

cc: Division of the Commission Clerk and Administrative Services  
Division of Economic Regulation (Daniel, Kummer, Willis)  
Division of External Affairs (J. Williams)

G:\lettertocounties.lah

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

CCA Official Filing:

11/13/02\*\*\*\*\*10:05 AM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

1558-PCo

From: Dorothy Menasco  
Sent: Wednesday, November 13, 2002 9:55 AM  
To: Hong Wang; Kay Flynn; Kimberley Pena; LaSandra Givens; Marguerite Lockard; Matilda Sanders; Ruth McGill; Ruth Nettles  
Subject: Orders transferred to GCOrders for issuance  
Sensitivity: Private

**Consummating Order**

**Docket No. 020897-EG**

**File Name: 020897co.lah**

**Atty: Lorena Holley**

**Pages: 2**

2/1

**Order Acknowledging Intervention**

**Docket No. 021066-WS**

**File Name: 021066intv.lah**

**Atty: Lorena Holley**

**Pages: 1**





CCA Official Filing:

11/14/02\*\*\*\*\*10:46 AM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

**Matilda Sanders**

1568-PCO

**From:** Dorothy Menasco  
**Sent:** Thursday, November 14, 2002 10:46 AM  
**To:** Hong Wang; Kay Flynn; Kimberley Pena; LaSandra Givens; Marguerite Lockard; Matilda Sanders; Ruth McGill; Ruth Nettles  
**Subject:** Order transferred to GCOrders for issuance  
**Sensitivity:** Private

**Order Granting Intervention**

**Docket No. 021066-WS**

**File Name: 021066inv2.lah**

**Atty: Lorena Holley**

**Pages: 3**

4/1

State of Florida



ORIGINAL

Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** November 21, 2002  
**TO:** Division of the Commission Clerk and Administrative Services  
**FROM:** Lorena A. Holley, Senior Attorney, Office of the General Counsel *LAM*  
**RE:** Docket No. 021066-WS - Investigation into Proposed Sale of Florida Water Services Corporation

---

Please file the attached letter dated November 18, 2002, in the correspondence portion of the above-referenced docket.

RECEIVED-TPSC  
02 NOV 21 PM 3:22  
COMMISSION  
CLERK

cc: Division of Economic Regulation (Willis, Kummer, Daniel)  
Division of External Affairs (Williams)

l:\memo-file lah

# Michael R. Lissack

November 18, 2002

Phil Lewis  
Editor  
Naples Daily News  
1075 Central Ave.,  
Naples, FL 34102

Dear Phil:

Janine Zeitlin of your staff asked for my opinion on the following question:

*If the proposed Florida Water Services Authority transaction is consummated would the bond rating agencies and/or the municipal bond insurers participating in the bond financing face any liability?*

As you know for more than 13 years I was an investment banker at Smith Barney where I assisted state and local governments in the United States with debt financings. I spent more than 13 years with Smith Barney, including eight as a managing director. I was Smith Barney's senior banker with overall responsibility for new product development, municipal derivatives, and the technical work produced by the firm's Public Finance Division. I served as a senior banker or financial advisor in more than thirty of the fifty American states, and financed more than \$35 billion of infrastructure projects for these clients. *Worth* magazine recognized me in 1999 as one of "Wall Street's 25 Smartest Players" and again in 2001 as one of the 100 Americans who have most influenced "how we think about money." Since my first public accusations in March 1995, I have been responsible for shedding light on numerous illegal and unethical practices of Wall Street firms. My allegations have been involved in more than one dozen civil and criminal investigations by the SEC, IRS and the US Department of Justice and in the promulgation of IRS Revenue Procedure 96-41. In April 1998, the US Department of Justice announced that it had joined in a whistleblower suit I filed regarding the repayment of nearly \$1 billion to the US Treasury. Since then the US Government has recovered more than \$250 million as the result of my initiation of legal action.

I have examined the proposed Florida Water Services Authority transaction from the perspective of potential liability under the Florida False Claims Act (Florida Statutes 68.08) as well as under the relevant provisions of title 26 of the US Code. The following states my conclusions:

1. The proposed transaction could not occur without the willful participation of the bond rating agencies and/or the municipal bond insurers. The bond rating agencies and (to the extent that they are involved) the municipal bond insurers participating in such a transaction face significant potential liability under the Florida Statute. The purpose of the Florida False Claims Act is to deter persons from knowingly causing or assisting in causing state government to pay claims that are false, and to provide remedies for obtaining treble damages and civil penalties for state government when money is

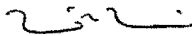
2338 Immokalee Road, Suite 292  
Naples, FL 34110  
239-254-9648  
<http://www.lissack.com>

obtained from state government by reason of a false claim. The Florida law defines a false claim as " any request or demand, under a contract or otherwise, for money, property, or services, which is made to any employee, officer, or agent of an agency, or to any contractor, grantee, or other recipient if the agency provides any portion of the money or property requested or demanded, or if the agency will reimburse the contractor, grantee, or other recipient for any portion of the money or property requested or demanded." The act further defines knowingly. "'Knowing' or 'knowingly' means, with respect to information, that a person: Has actual knowledge of the information; Acts in deliberate ignorance of the truth or falsity of the information; or acts in reckless disregard of the truth or falsity of the information. No proof of specific intent to defraud is required." The Act provides that "Any person who: ... Knowingly makes, uses, or causes to be made or used a false record or statement to get a false or fraudulent claim paid or approved by an agency; Conspires to submit a false claim to an agency or to deceive an agency for the purpose of getting a false or fraudulent claim allowed or paid ... is liable to the state for a civil penalty of not less than \$5,000 and not more than \$10,000 and for treble the amount of damages the agency sustains because of the act or omission of that person."

2. The proposed transaction fails to meet the regulatory hurdles of public purpose under both Florida law and title 26 of the US Code. The proposed transaction also fails to meet the requirement of Section 142 of title 26 which requires that the operator of the facilities be a governmental unit (Gulf Breezing Financial Services Inc. is not a governmental unit but a non-profit corporation) and that the rates established for the use of the facilities be established or approved by a State or political subdivision thereof, by an agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision thereof. Failure to alter this portion of the proposed transaction could endanger the tax-exemption on the bonds.
3. To the extent that the proposed transaction results in usage rates for water higher than present or higher than would have been required if the assets of Florida Water had been purchased at the fair market value price of \$450 million (or some other price arrived via an arms length negotiation between two or more unrelated parties), that the payment of such rates is a false claim as defined in the Act. As such the bond rating agencies and/or the municipal bond insurers would be liable for treble damages.
4. Thus damages owed by the rating agencies and/or the municipal bond issuers could be conservatively estimated at the difference between the \$507 million purchase price and the \$450 million fair market value or \$57 million plus the fees which are to be paid by the Authority to its investment bankers in excess of \$8 per \$1000 of bond amount plus all fees to be paid to Gulf Breeze, Milton and their related entities. Thus damages could total to nearly \$100 million bringing potential liability to \$300 million (treble damages).

I hope that this estimate of liability is useful to you in your reporting. Nothing contained herein should be construed as indicating that I have any knowledge of pending litigation against the bond rating agencies and/or the municipal bond insurers. Please feel free to copy, quote or cite this letter.

Sincerely yours,



CCA Official Filing:

11/22/02\*\*\*\*\*9:05 AM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

From: Dorothy Menasco  
Sent: Friday, November 22, 2002 9:05 AM  
To: Hong Wang; Kay Flynn; Kimberley Pena; LaSandra Givens; Marguerite Lockard; Matilda Sanders; Ruth McGill; Ruth Nettles  
Subject: Order transferred to GCOrders for issuance  
Sensitivity: Private

1617-PCO

4

RECEIVED 11:30  
NOV 22 AM 10:38  
COMMISSION  
CLERK

**Order Requiring FWSC to Respond to OPC's First Set of Requests for Production of Documents by November 25, 2002**

**Order has been signed by a commissioner and will be hand-delivered**

**Docket No. 021066-WS**

**File Name: 021066-or.lah**

**Atty: Lorena Holley**

**Pages: 4**

4/1



# City of Marco Island

November 21, 2001

Honorable C. V. "Clay" Ford, Jr., Councilman  
City of Gulf Breeze  
1070 Shoreline Drive  
Gulf Breeze, Florida 32561-0640

Re: Florida Water Services Authority

Dear Councilman Ford:

It should be of no surprise to you that our community is very disappointed with the decision of the board of directors of the Florida Water Services Authority that the proposed acquisition of Florida Water Services Corporation is in the "public interest." That the decision was made despite opposition from all attending the public hearing, except your consultants and a representative from Florida Water Services Corporation, only confirms our view that you do not value the opinions of others and, frankly, have no concern for the customers of the systems.

To read statements such as: "They're embarrassed because they missed an opportunity and so they're stirring this up"; "We know what we are doing"; "It boils down to the fact that they negotiated for one to two years...and failed to come up with an agreement"; "I think these local governments are trying to cover their tracks for failing to do what we've been able to do"; and "I know they don't like it, but it will be good for them"; all suggest to us that you are not being truthfully advised as to the history and circumstances surrounding the sale of Florida Water Services.

The Florida Government Utilities Authority offered \$520 million for the 152 statewide FWS systems. Like you, they made the offer without adequate financial and engineering due diligence, and they later learned that the offer could not be supported by existing rates. Most unlike you, however, they listened to local governments during their "public interest" hearing and responded to their concerns. Furthermore, they opted to let each host government determine whether they wanted their system to be acquired by the FGUA or whether they wanted to "opt out" of the deal. The FGUA and the affected local governments ultimately agreed that the existing rates would support a purchase price of \$450 million, not \$520 million, or \$507 million.

It did not take any brilliance on the part of you and your consultants to overprice the offer by paying what Florida Water Services wanted, and to refuse to allow local governments and their customers' involvement and consent. What we find shocking is that you are proceeding with such scarce and dubious information, and that you can say that you are qualified to acquire the systems with total disregard from others who have far more intimate knowledge of their utilities and their experiences with Florida Water Services.

For example, we also conducted an engineering due diligence. We retained a national firm who worked for three months under a tight deadline to determine the condition of the Marco Island system. That firm had the "preliminary" due diligence from another national firm that had been assembled over the previous nine months. You, on the other hand, are accepting the engineering due diligence of R. W. Beck who, to the best of our knowledge, has been working on the project for four weeks, and who is being financed by Florida Water Services. Not surprisingly, the firm determined that the five-year capital plan would not materially alter the sales price. Why would you rely on such dubious information prepared so hastily?

We have, for more than a year, evaluated financial spreadsheets to determine adequacy of system revenue to support alternative purchase prices. Most governments have reviewed cash flows provided by the FGUA and those developed by their own consultants and staffs.

Your financial advisors are telling you that there will be no rate increases for three years. Our analysis show that the systems cannot support the purchase price you have offered without serious adjustments to the capital program, deferred maintenance, and under-funding renewal and replacement. Furthermore, your consultants have apparently failed to advise you that the required capital improvements will be funded with additional bond issues above the initial purchase price. Additional bond issues are but one way that your consultants will make money at the expense of the utility customers.

The FWSA appeared to focus on two issues as justifying their opinion that this sale is in the public interest; 1) the economies of scale realized by keeping the FWS system as a consolidated group and; 2) the feedback you received from the customer advisory committees that made you feel that there was strong customer support for the sale. Let me address these two critical issues.

On the issue of economies of scale, there were many facts presented to the Board on why this factor is not a valid one. First, the trend in utility planning in the country has been to keep utility sizes small and take advantage of economies of scale by outsourcing processes to separate companies that have true scale. For example, utilities are outsourcing billing, meter reading, call centers, etc. and are realizing much greater efficiencies than if they had enlarged their operations. Studies have shown that larger, consolidated utilities have more costly processes. Secondly, the operations contracts for the FGUA proposal was obtained through competitive bidding. The end result was that the bid costs were lower than the FWS costs. This is a direct result of competitive bidding rather than just giving FWS the business without bidding. Third, many municipalities can get economies of scale by joining mutual governmental organizations, by combining water companies, or water, electric, and gas companies to achieve greater economies.



ORIGINAL

Mr. Lott advised the FWSA board that Marco Island had the opportunity to buy the Marco Island system but failed to do so. Of course we did. But unlike you, we explored all options, and we listened to our stakeholders. We considered condemnation, we have analyzed the market value of the system over the past three years, we negotiated with FWS for over a year to develop a long-term rate stabilization agreement, we participated, and initially opposed the acquisition by the FGUA until we determined that the acquisition agreement was fair. We also met with world-class private investors to explore acquisition options. We could have easily acquired the system by agreeing to overpay, with total disregard for the welfare of the customer, like you are doing now.

The use of the so-called customer advisory committees providing input in support of the sale is completely inaccurate and biased. FWSA personnel met with about seven people from Marco Island. They were presented with a highly general letter that "spun" the issues. In discussing this matter with several of the meeting attendees they were incensed with the fact that anyone would use what was said to indicate Island support for the sale. Most of those present either had no comment at the meeting or have now determined that they were misled and used in a terrible manner. They propose to write letters to the FWSA demanding a retraction of this false impression. In addition, any attempt to use input from one or two customers to conclude broad customer support is unfair and unethical. This conclusion fails to recognize that hundreds of our residents wrote letters to Governor Bush objecting to the sale. It fails to recognize that the residents of this City have supported their City over FWS several times in the past several months. FWS contacted thousands of our residents in June asking that they contact City Hall to object to the City's efforts to take over the water system. Only one resident made such a call. FWS again tried with a massive ad campaign to defeat our September referendum to authorize the City to take over the water system. Our residents overwhelmingly passed the referendum.

Do you know what you are buying? For instance, we know that FWS was attempting to withhold valuable real estate from the FGUA transaction. Are you allowing FWS to retain valuable real estate assets? Do you appreciate the potential cost of contingent liabilities? You should know that the 152 systems were acquired from developers, some of who had contractual obligations for future system expansions. These obligations were passed onto FWS, and they will be passed on to you. From our observation, these liabilities are significant.

Did you know that international utility companies considered the purchase of FWS at prices nowhere near that being paid by you? It will not take much inquiry to verify this statement.

Do you know that we reviewed a twelve inch document of a "request for proposals" and the proposals submitted by three national and international utility operators who submitted competitive bids to operate the FWS systems, and that each proposal provided a price for each separate utility grouping so that local governments could assume the same contract? Have you even seen an operations contract with FWS or its employees? Have you any idea as to how much they will charge to operate the system? Are you exempt from laws requiring competitive bidding of utility operations? Since it is not in the "public record," we can only assume that you have no first-hand knowledge of the arrangements to operate the system and are therefore taking the word of others, who, in this case, is the seller.

ORIGINAL

Did you know that the Allete Corporation, in its third quarter, Security and Exchange Commission filing (SEC form 10Q), stated that the aggregate net cash proceeds from the FWSA transaction will be \$260 million, and that the price you have offered is more than \$270 million over the current regulatory "rate base"? The FWSA board and your consultants have stated that local governments want governmental ownership and, especially if they are the owners. That is incorrect! We do not want governmental ownership at any cost. Given the choice, we much prefer private ownership, either by FWS or another private utility, than ownership by FWSA under the terms of the acquisition agreement. Our customers will be better served under regulatory base rate control rather than your overvalued acquisition agreement.

It has been stated that the FWSA is willing to share profits with local governments, especially if they make such a request within the first three years. Also stated is that local governments will be offered rate review authority. To believe that local governments seek to profit from this transaction only helps us understand the true motives of you and your consultants. Why would any local government seek rate review for a utility that is paying \$57 million more than the next best offer? Rates will increase to meet required debt coverage, operating expenses, and capital improvements. No local government will want to have their organization associated with a utility that must increase rates to cover an inflated purchase price. These are but a few examples as to how your consultants are misleading you as to our motives. Nonetheless, it is apparent the FWSA strategy is to defend the Gulf Breeze and Milton decision, at any cost, with erroneous assumptions, and with total disregard to those affected by the transaction

In conclusion, we recommend that you listen to the cities and counties that are opposing the acquisition. They may very well have more and better information than you do. Recognize that when so many are willing to support state legislation designed to impact the acquisition, to spend their tax dollars filing lawsuits fighting for the right cause, to urge the Attorney General, the Auditor General, the Public Service Commission, and the Ethics Commission to investigate the circumstances surrounding the transaction, and to file condemnation action that you will need to defend, then you have made the wrong decision by attempting to acquire the assets of the statewide Florida Water Services systems.

Sincerely,



E. Glenn Tucker, Chairman  
Marco Island City Council

EGT/bal

cc: City Council  
Governor Bush  
Florida Attorney General  
Florida Public Service Commission

## Hong Wang

---

**From:** Hong Wang  
**Sent:** Friday, December 06, 2002 2:19 PM  
**To:** Kay Flynn  
**Cc:** Patti Daniel  
**Subject:** RE: All Roads Lead Through Arkansas

Done.

-----Original Message-----

**From:** Kay Flynn  
**Sent:** Friday, December 06, 2002 12:09 PM  
**To:** Patti Daniel  
**Cc:** Lorena Holley; Hong Wang  
**Subject:** RE: All Roads Lead Through Arkansas

Certainly.

(Hong, please note.)

-----Original Message-----

**From:** Patti Daniel  
**Sent:** Friday, December 06, 2002 12:07 PM  
**To:** Kay Flynn  
**Cc:** Lorena Holley  
**Subject:** RE: All Roads Lead Through Arkansas

Can you add Mr. Berg to the interested persons in Docket No. 021066-WS, Investigation into sale of FWSC?  
Thanks.

-----Original Message-----

**From:** Matthew Berg [mailto:mberg@lafermgmt.com]  
**Sent:** Friday, December 06, 2002 11:20 AM  
**To:** pdaniel@psc.state.fl.us  
**Subject:** All Roads Lead Through Arkansas

Patty,

Nice speaking with you. Below please find my information:

Matthew Berg  
Lafer Management  
767 Third Avenue, 8th Floor  
New York, NY 10017  
mberg@lafermgmt.com  
(212) 888-3808-Phone  
(212) 888-7701-Fax

Remember before Georgia is considered for a BCS bowl, they must beat Arkansas tomorrow.

I appreciate all of your help and look forward to reading your response to Collier County.

Best,

Matt

## Hong Wang

---

**From:** Hong Wang  
**Sent:** Monday, December 30, 2002 10:33 AM  
**To:** Lorena Holley  
**Subject:** RE: docket 021066

Done.

-----Original Message-----

**From:** Lorena Holley  
**Sent:** Monday, December 30, 2002 10:00 AM  
**To:** Hong Wang  
**Cc:** Sandy Moses; John Williams  
**Subject:** FW: docket 021066

Hong,  
Please add Mr. Sirkin to DN 021066 as an "Interested Person" :

Arthur Sirkin  
21 Cottagegate Court  
Palm Coast, Florida 32137  
(386) 445-7125 (voice)  
(386) 445-6974 (fax)  
asirkin@fcbcc.org <mailto:asirkin@fcbcc.org>

Thanks!

-----Original Message-----

**From:** John Williams  
**Sent:** Thursday, December 26, 2002 11:20 AM  
**To:** Lorena Holley  
**Cc:** 'asirkin@fcbcc.org'  
**Subject:** FW: docket 021066

Lorena, could you please add Mr.. Sirkin to the Parties of Record for this Docket. Thanks.

-----Original Message-----

**From:** ASirkin@aol.com [mailto:ASirkin@aol.com]  
**Sent:** Monday, December 23, 2002 9:04 PM  
**To:** jwilliam@psc.state.fl.us  
**Cc:** asirkin@fcbcc.org  
**Subject:** docket 021066

Dear John:

How do I go about being included in Parties of Record and Interested Person in Docket No 021066?

Merry Christmas and a Happy New Year.

Arthur Sirkin  
Flagler County Utility Regulatory Authority  
Phone 386-445-7125 Fax 386-445-6974  
e-mail : asirkin@fcbcc.org

State of Florida



Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** January 22, 2003  
**TO:** Division of Commission Clerk and Administrative Services  
**FROM:** Lorena A. Holley, Senior Attorney, Office of the General Counsel *LAM*  
**RE:** Docket No. 021066-WS - Investigation into Proposed Sale of Florida Water Services Corporation

---

Please file the attached letter dated January 15, 2003, in the correspondence portion of the above-referenced docket.

COMMISSION  
CLERK

JAN 22 PM 3:30

RECEIVED-PSC

# Michael R. Lissack

January 15, 2003

Dwight E. Brock  
Clerk of Courts  
Collier County  
3301 East Tamiami Trail  
Bldg. L/6th Floor  
Naples, FL 34112

Dear Dwight:

You asked for my opinion on the following question:

If the proposed Florida Water Services Authority transaction is consummated would Allete and/or the purchasers of the bond financing face any liability?

As you know, I was an investment banker at Smith Barney where I assisted state and local governments in the United States with debt financings. I spent more than 13 years with Smith Barney, including eight as a managing director. I was Smith Barney's senior banker with overall responsibility for new product development, municipal derivatives, and the technical work produced by the firm's Public Finance Division. I served as a senior banker or financial advisor in more than thirty of the fifty American states, and financed more than \$35 billion of infrastructure projects for these clients. Worth magazine recognized me in 1999 as one of "Wall Street's 25 Smartest Players" and again in 2001 as one of the 100 Americans who have most influenced "how we think about money." Since my first public accusations in March 1995, I have been responsible for shedding light on numerous illegal and unethical practices of Wall Street firms. My allegations have been involved in more than one dozen civil and criminal investigations by the SEC, IRS and the US Department of Justice and in the promulgation of IRS Revenue Procedure 96-41. In April 1998, the US Department of Justice announced that it had joined in a whistleblower suit I filed regarding the repayment of nearly \$1 billion to the US Treasury. Since then the US Government has recovered more than \$250 million as the result of my initiation of legal action. You and Collier County filed a parallel class action suit against a number of Wall Street firms in which you won a significant settlement.

I have examined the proposed Florida Water Services Authority transaction from the perspective of potential liability under the Florida False Claims Act (Florida Statutes 68.08) as well as under the relevant provisions of title 26 of the US Code.

2338 Immokalee Road, Suite 292  
Naples, FL 34110  
239-254-9648  
<http://www.lissack.com>

It is my opinion that both Allete and the institutional purchasers of the proposed transaction face significant potential liability under the Florida Statute. The purpose of the Florida False Claims Act is to deter persons from knowingly causing or assisting in causing state government to pay claims that are false, and to provide remedies for obtaining treble damages and civil penalties for state government when money is obtained from state government by reason of a false claim. The Florida law defines a false claim as "any request or demand, under a contract or otherwise, for money, property, or services, which is made to any employee, officer, or agent of an agency, or to any contractor, grantee, or other recipient if the agency provides any portion of the money or property requested or demanded, or if the agency will reimburse the contractor, grantee, or other recipient for any portion of the money or property requested or demanded." The act further defines knowingly. "Knowing" or "knowingly" means, with respect to information, that a person: Has actual knowledge of the information; Acts in deliberate ignorance of the truth or falsity of the information; or acts in reckless disregard of the truth or falsity of the information." Most importantly, "No proof of specific intent to defraud is required."

The Act provides that "Any person who: ... Knowingly makes, uses, or causes to be made or used a false record or statement to get a false or fraudulent claim paid or approved by an agency; Conspires to submit a false claim to an agency or to deceive an agency for the purpose of getting a false or fraudulent claim allowed or paid ... is liable to the state for a civil penalty of not less than \$5,000 and not more than \$10,000 and for treble the amount of damages the agency sustains because of the act or omission of that person."

It is my opinion that the proposed transaction fails to meet the regulatory hurdles of public purpose under both Florida law and title 26 of the US Code. It is my further opinion that the proposed transaction fails to meet the requirement of Section 142 of title 26 which requires that the operator of the facilities be a governmental unit (Gulf Breeze Financial Services Inc. is not a governmental unit but a non-profit corporation) and that the rates established for the use of the facilities be established or approved by a State or political subdivision thereof, by an agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision thereof. Failure to alter this portion of the proposed transaction could endanger the tax-exemption on the bonds. Under the purchase agreement between Allete and the Florida Water Services Authority Allete assumes all tax liabilities stemming from the transaction regardless on whom they are levied. When the bonds are ultimately declared taxable, Allete's tax liability to the US government could be in excess of \$200 million. Please note that Allete has failed to disclose this risk to its shareholders.

It is obvious that the proposed transaction could not occur without the willful participation of institutional purchasers of municipal bonds. It is my further opinion that to the extent that the proposed transaction results in usage rates for water higher than present or higher than would have been required if the assets of Florida Water had been purchased at the fair market value price of \$450 million, that the payment of such rates is a false claim as defined in the Act. As such both Allete and the institutional



Dwight E. Brock

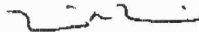
January 15, 2003

purchasers participating in the transaction would be liable for treble damages. Such damages could be conservatively estimated at the difference between the \$492 million purchase price and the \$450 million fair market value or \$42 million plus the fees which are to be paid by the Authority to its investment bankers in excess of \$8 per \$1000 of bond amount plus all fees to be paid to Gulf Breeze and its related entities. Thus damages could total to nearly \$100 million bringing potential liability to \$300 million (treble damages). Please note that Allele has failed to disclose this risk to its shareholders.

Please be aware that I have been contacted by several parties who may have or might be bringing a suit under the Florida False Claims Act. Please note further that this transaction is presently under investigation by the Internal Revenue Service and is the subject of more than 15 current litigation efforts as well as two bills pending before the Florida Legislature.

I hope that this estimate of liability is useful to you. Please feel free to copy, quote or cite this letter. If you need me to testify to the same in a litigation or regulatory proceeding I will be happy to do so.

Sincerely yours,



ORIGINAL 0-1066-105 ORIGINAL



Mr. Jack Pitman  
13 Wendy Ln.  
Palm Coast, FL 32164

RECEIVED FPSC

Jan 18, 2003

ORIGINAL

Florida Public Service Commission,  
Tallahassee, FL 32399

COMMISSION  
CLERK

JAN 23 2003

Dear Sir:

I recently read in the Flagler Times, 1/15/03 edition which you are accepting public comments regarding the Florida Water Services Authority (FLWSA) anticipated purchase of Florida Water Services (FWS).

I wish to strongly support the position that this purchase is not legitimate since it would leave the customers unprotected with a "public" utility operating with a profit motive but without an independent regulating authority.

FWS is presently responsible to a regulating authority and to my knowledge, all water utilities (monopolies) are responsible to a regulating authority particularly where an obvious profit motive is present.

There must be an independent watchdog to monitor the rates structure and particularly operating procedures to prevent inefficiencies, illegal policies and appropriate accounting to protect the public interest!

Thank you,

Jack Pitman  
Retired, New England Electric  
System

AUS  
CAF  
CMP  
COL  
CTR  
ECK  
GCL  
OPR  
MMS  
SEC  
OTH

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

STATE OF FLORIDA



DIVISION OF CONSUMER AFFAIRS  
BEVERLEE DEMELLO  
DIRECTOR  
(850) 413-6100  
TOLL FREE 1-800-342-3552

# Public Service Commission

January 28, 2003

Mr. Jack Pitman  
13 Wendy Lane  
Palm Coast, FL 32164

**Re: Docket No. 021066-WS  
Florida Water Services  
514404C**

RECEIVED - FPSC  
03 JAN 27 PM 4:04  
COMMISSION  
CLERK

Dear Mr. Pitman:

Thank you for contacting the Florida Public Service Commission (PSC) about Florida Water Services. We appreciate your comments.

Your letter will be placed in the correspondence side of the docket and will be available for review by all interested parties. We hope this information is helpful to you. If you have questions, please contact us a 1-800-342-3552, by fax at 1-800-511-0809, by e-mail at [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us), or visit our web site at [www.floridapsc.com](http://www.floridapsc.com).

Sincerely,

A handwritten signature in cursive script that reads "Kate Smith".

Katherine E. Smith  
Regulatory Consultant  
Bureau of Consumer Outreach

c: Commission Clerk & Administration

CCA Official Filing:

1/28/03\*\*\*\*\*1:54 PM\*\*\*\*\*Kay Flynn\*\*\*\*\*1

021066-WS

Kay Flynn

---

Subject:

FW: Docket 021066-WS - FWSC

-----Original Message-----

From: Sandy Moses

Sent: Tuesday, January 28, 2003 12:27 PM

To: Lorena Holley

Cc: Mary Anne Helton; Kay Flynn; Kevin Neal; Patti Daniel; Connie Kummer

Subject: Docket 021066-WS - FWSC

Per request from Kevin Neal, we have corrected the cite on the front page of your recommendation from F.S. 367.031(7) to 367.021(7) on the original and as well as the electronic version.

State of Florida



ORIGINAL

Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** January 28, 2003  
**TO:** Division of Commission Clerk and Administrative Services  
**FROM:** Lorena A. Holley, Senior Attorney, Office of the General Counsel  
**RE:** Docket No. 021066-WS - Investigation into Proposed Sale of Florida Water Services Corporation

---

Please file the attached e-mail dated January 25, 2003, in the correspondence portion of the above-referenced docket.

RECEIVED-PPSO  
10 JAN 29 PM 1:53  
COMMISSION  
CLERK

## Lorena Holley

---

**From:** Lorena Holley  
**Sent:** Tuesday, January 28, 2003 3:36 PM  
**To:** Lorena Holley  
**Subject:** FW: [Fwd: Allete and florida water]

-----Original Message-----

From: Michael Lissack [mailto:lissack@lissack.com]  
Sent: Saturday, January 25, 2003 10:33 PM  
To: jchase@psc.state.fl.us  
Subject: [Fwd: Allete and florida water]

Proposed Florida Water Services Authority Deal is the Muni World's Enron

By Michael Lissack

The Florida Water Services Authority (FWSA) was created by two small communities in the Florida panhandle, with a population of less than 14,000. FWSA entered into an agreement to acquire the statewide assets of Florida Water Services, Inc., even though the two cities involved (Gulf Breeze and Milton) do not have Florida Water Services systems.

Allete, the parent of Florida Water Services Inc. orchestrated this transaction. Gulf Breeze and Milton saw an opportunity for profit, and agreed to Allete's terms because none of its citizens are served by Florida Water, nor will they be affected by any resulting rate hikes. The two Florida panhandle cities are exploiting a statutory provision designed to encourage intergovernmental cooperation by attempting to acquire utility assets throughout Florida, not for a governmental purpose, but for profit. Gulf Breeze will cream 1.5% of statewide customer revenues, or approximately \$2,000,000 per year, into its tax coffers, with absolutely no investment, no risk and no liability for utility operations. Gulf Breeze will pass 20% of that windfall on to Milton simply for agreeing to lend its name to FWSA. Gulf Breeze and Milton "earn" that windfall by agreeing to allow Florida Water Services to continue to operate as if nothing had changed except ownership and the right of the customers to have the utility regulated.

What public purpose can be served by "exempting" the utility from regulation? Florida Water Services, Inc. operates 152 water and sewer systems in Florida. Not a single customer of the system resides within the borders of either city. More than 500,000 utility customers will be exploited by an entity that has no accountability for rates, profits, or use of water resources.

The old Florida Water will continue as the new Florida Water. All of Florida Water Services employees will go to work for the newly created authority. Allete is guaranteeing the Authority's revenues to support repayment of the bonds issued to finance the purchase price it will receive and is posting a line of credit to provide the Authority with working capital. Allete is ensuring that its existing capital plans will continue to be carried out and is immunizing the transaction from adverse tax consequences.

The multiple roles played by Allete's attorneys and employees in ensuring that this "purchase" take place are reminiscent of Enron and the maneuverings of Andrew Fastow. The municipal market might also be reminded of the machinations of a California firm called Pacific Genesis with large fees being paid at closing under contracts that have been subject to little or no public disclosure or scrutiny. . Florida

Water's lawyers will be going to work for the Authority after closing, and those same lawyers will be issuing the legal opinion that the numerous lawsuits filed by local governments against the transaction have "no merit." Bond counsel, responsible for assuring the public that the transaction meets all securities law requirements for tax exempt interest on the bonds, has a side deal in which his "public relations" firm will earn a \$650,000 fee. Somehow bond counsel claims they have no interest in assuring that the transaction occurs. Sure.

Bond counsel conveniently overlooks public purpose requirements, excessive fees, lack of appropriate notice, lack of governmental purpose, abuse of regulations, and the strenuous opposition of the governmental entities actually involved with customers of the utility.

Legal challenges by governments representing at least 80% of the system's customers call into question the validity of the bonds and the tax-exempt status of interest on the bonds. Other challenges contemplate the potential of false claims and racketeering charges against Allete and prospective bond purchasers.

Despite the many public policy questions raised by the recitations above the municipal bond community has embraced the proposed \$550 million transaction. Perhaps the more than \$25 million in fees have a causal relation to this embrace.

The municipal bond community suggested that I was crazy for revealing in 1995 that yield burning was a crime. Hundreds of millions of dollars later, that warning seemed prescient indeed. So municipal market ignore this warning at your peril: allowing the FWSA transaction to proceed will trigger yet another review of tax-exemption at the Federal level. There are more efficient ways to distribute tax subsidies than allowing Wall Street bankers to deliberately manipulate "grey areas" and "loopholes" for the benefit of clients lacking public purpose. The fees earned for doing so resemble the Fastow windfalls from Enron. The congressional reaction is likely to be similar. Rest assured there will be a crusade to keep this "deal" in Congress's focus.

Caveat banker. Caveat emptor. Caveat industry. The choice is yours.

For more information see <http://lissack.com/water.htm>

Michael Lissack was a senior municipal banker at Smith Barney prior to 1995. Worth magazine recognized Lissack in 1999 as one of "Wall Street's 25 Smartest Players" and again in 2001 as one of the 100 Americans who have most influenced "how we think about money." Since his first public accusations in March 1995, he has been responsible for shedding light on numerous illegal and unethical practices of Wall Street firms. Lissack's allegations have been involved in more than one dozen civil and criminal investigations by the SEC, IRS and the US Department of Justice and have led to the recovery of more than \$250 million by the United States.

--

\*\*\*\*\*

Michael Lissack  
2338 Immokalee Rd #292  
Naples FL 34110-1445  
phone 239-254-9648 fax 254-9649  
[www.lissack.com](http://www.lissack.com), [www.isce.edu](http://www.isce.edu), [www.emergence.org](http://www.emergence.org)  
[www.learnerslibrary.com](http://www.learnerslibrary.com)



State of Florida



Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** January 28, 2003  
**TO:** Division of Commission Clerk and Administrative Services  
**FROM:** Lorena A. Holley, Senior Attorney, Office of the General Counsel *Jan*  
**RE:** Docket No. 021066-WS - Investigation into Proposed Sale of Florida Water Services Corporation

---

Please file the attached e-mail dated January 25, 2003, in the correspondence portion of the above-referenced docket.

## **Lorena Holley**

---

**From:** Lorena Holley  
**Sent:** Tuesday, January 28, 2003 3:36 PM  
**To:** Lorena Holley  
**Subject:** FW: [Fwd: Allete and florida water]

-----Original Message-----

**From:** Michael Lissack [mailto:lissack@lissack.com]  
**Sent:** Saturday, January 25, 2003 10:33 PM  
**To:** jchase@psc.state.fl.us  
**Subject:** [Fwd: Allete and florida water]

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--

\*\*\*\*\*  
Michael Lissack  
2338 Immokalee Rd #292  
Naples FL 34110-1445  
phone 239-254-9648 fax 254-9649  
[www.lissack.com](http://www.lissack.com), [www.isce.edu](http://www.isce.edu), [www.emergence.org](http://www.emergence.org)  
[www.learnerslibrary.com](http://www.learnerslibrary.com)

**CCA Official Filing:**

**1/31/03\*\*\*\*\*12:13 PM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

021066-WS

020566-EI

Kay Flynn

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**From:** Denise Karnes  
**Sent:** Friday, January 31, 2003 10:36 AM  
**To:** Alina Dieguez; Beth Salak; Bev DeMello; Blanca Bayo; Bob Trapp; Braulio Baez; Carol Purvis; Cayce Hinton; Charles Davidson; Chelsea Garfield; Chuck Hill; Cindy Miller; Dan Hoppe; Della Fordham; Diane Lee; Dorothy Boone; Harold McLean; Hurd Reeves; Ignacio Ortiz; J. Terry Deason; James Ward; Janet Brunson; Janet Harrison; JoAnn Chase; John Grayson; Kathleen Stewart; Katrina Tew; Kay Flynn; Kay Posey; Kevin Bloom; Kevin Neal; Kimberly Griffin; Lila Jaber; Linda Duggar; Martha Golden; Mary Bane; Mary Macko; Norma Jenkins; Pat Dunbar; Patsy White; Richard Tudor; Roberta Bass; Rudy Bradley; Sharon Allbritton; Susie Folsom; Thelma Crump; Tim Devlin; Veronica Washington; Walter D'Haeseleer  
**Subject:** Items of Interest at Upcoming Agenda Conference



013103PRL.wpd

The attached news release was sent to the daily newspapers this morning, 1/31/03.



State of Florida  
**Public Service Commission**  
**NEWS RELEASE**

January 31, 2003

Contact: Kevin Bloom or Thelma Crump ♦ 850-413-6482

**ITEMS OF INTEREST AT UPCOMING AGENDA CONFERENCE**

TALLAHASSEE – The following issues are among those scheduled for consideration during the February 4, 2003, agenda conference.

**ITEM 5(a) - DOCKET NO. 021066-WS - INVESTIGATION INTO PROPOSED SALE OF FLORIDA WATER SERVICES CORPORATION.** The Commission will consider a staff recommendation requiring the utility to file an application for approval of its proposed transfer. (NOTE: This issue will be taken up at 10 a.m.)

**ITEM 13 - DOCKET NO. 020566-EI - PETITION FOR APPROVAL OF RECOVERY SCHEDULE FOR TWO GANNON STATION GENERATING UNITS, EFFECTIVE JANUARY 1, 2002, BY TAMPA ELECTRIC COMPANY.** The Commission will consider a staff recommendation to approve a modified recovery schedule for Gannon Units 1 and 2 .

# # #

CCA Official Filing:

2/7/03\*\*\*\*\*2:00 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

0193-FOF

From: Dorothy Menasco  
Sent: Friday, February 07, 2003 2:00 PM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

7

Date and Time: 2/7/03 1:58:00 PM  
Docket Number: 021066-WS  
Filename / Path: 021066or.lah

ORDER REQUIRING FLORIDA WATER SERVICES CORPORATION TO FILE  
AN APPLICATION FOR APPROVAL OF ITS PROPOSED SALE PURSUANT TO SECTION  
367.071(1), FLORIDA STATUTES, AND RULE 25-30.037(2),  
FLORIDA ADMINISTRATIVE CODE

Atty: Lorena Holley

Pages: 6

14/3



**CCA Official Filing:**

**2/12/03\*\*\*\*\*10:16 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

021066-WS

Kay Flynn

---

**From:** Patti Daniel  
**Sent:** Wednesday, February 12, 2003 9:39 AM  
**To:** 'memo32137@aol.com'  
**Cc:** Leroy Rasberry; Kay Flynn; Lorena Holley

Ms. Murphy,

I am writing to acknowledge the receipt of your comments regarding the proposed sale of Florida Water Services Corporation, Docket No. 021066-WS. A copy of your e-mail will be forwarded to the Commission Clerk for inclusion with the correspondence in the docket. Thank you for your comments. If you have any questions, please feel free to contact me.

Patti Daniel  
(850) 413-6808  
pdaniel@psc.state.fl.us

---

February 06, 2003

**Contact Information:**

Name: maureen murphy  
Company:  
Primary Phone: 3864457317  
Secondary Phone:  
E-mail: memo32137@aol.com

**Comments:**

My husband and I wish to protest the sale of our Palm Coast Water Co. It is in the best interest of Palm Coast to keep it's present FL Water Services Corp. The newly formed FL Water Svcs. Auth. is trying to buy our water system to raise rates and generate profits for their questionable utility that appears to be an investment group in the cities of Gulf Breeze and Milton and as such have no real understanding or interest in the local Palm Coast Community or it's needs. We vote to stay with FWS which is a large, regulated service or have it under our city control.

Yes, I wish to be contacted



Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** February 19, 2003

**TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

**FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

**RE:** DOCKET NO. 021066-TP, AGENDA HELD 02-04-03, ITEM No. 5A.

---

RE: INVESTIGATION INTO PROPOSED SALE OF FLORIDA WATER SERVICES CORP.

DOCUMENT NOS. 01534 - Volume 1 and 01535 - Volume 2, 02-04-03

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL

Acknowledged BY:

A handwritten signature, possibly "T.G.", written over a horizontal line.

JF/rlm

PSC/CCA028-C (Rev10/01)



State of Florida



Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** February 19, 2003

**TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

**FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

**RE:** DOCKET NO. 021066-TP, HEARING HELD 02-17-03

---

RE: FLORIDA PUBLIC SERVICE COMMISSION vs. FLORIDA WATER SERVICES CORP.

DOCUMENT NO. 01711, 02-19-03

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, ECR

Acknowledged BY:

Mos

JF/rlm

PSC/CCA028-C (Rev10/01)



ORIGINAL  
Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

RECEIVED-PPSC  
03 FEB 21 PM 12:51  
COMMISSION  
CLERK CIVIL

**DATE:** February 21, 2003

**TO:** Clerk of the County, Leon County, Second Judicial Circuit Civil Division

**FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

(021066-WS)

**RE:** FLORIDA PUBLIC SERVICE COMMISSION vs. FLORIDA WATER SERVICES CORP.  
CASE NO.: 03-CA-358

The transcript of the February 17, 2003 hearing in the above proceedings has been completed and is forwarded for placement in the Court file.

Acknowledged BY:

A handwritten signature, possibly "D >", written over a horizontal line.

JF/rlm

03 FEB 21 11:11:57  
CIVIL DIV.  
CLERK OF THE COURT  
FLORIDA

CCA Official Filing

2/25/03\*\*\*\*\*5:04 PM\*\*\*\*\*Ruth Nettles\*\*\*\*\*1

Ruth Nettles

021066-WS

From: Ruth Nettles  
Sent: Tuesday, February 25, 2003 5:04 PM  
To: Ruth McHargue  
Subject: Complaint forwarded

Just wanted to let you know that I've printed the e-mail for Tracking Number 0006390, for placement in docket file. Thanks.

ORIGINAL

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR   I    
GCL   L    
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

docket correspondence

-----Original Message-----

**From:** Angie Calhoun

**Sent:** Thursday, February 20, 2003 10:37 AM

**To:** Ruth McHargue

**Subject:** FW: E-Form Other Complaints - 6390

Florida Water Docket 021066 -----Original Message-----

**From:** contact@psc.state.fl.us [mailto:contact@psc.state.fl.us]

**Sent:** Monday, February 17, 2003 11:31 AM

**To:** contact@psc.state.fl.us

**Subject:** E-Form Other Complaints - 6390

**TRACKING NUMBER - 0006390 February 17, 2003**

**SERVICE ADDRESS**

Account Number: none

Business Account Name: none

Name: Carolyn Rehbaum

Address: Point Pleasant Circle - Hess Road

City: Georgetown

Zip: ???

County: PUTNAM

**CUSTOMER INFORMATION**

Business Account Name: none

Name: Carolyn Rehbaum

Address: 516 Orange Drive #34

City: Altamonte Springs

State: FL

Zip: 32701

Secondary Phone: 407/332-8061

Contact By: US Mail

**COMPLAINT INFORMATION**

Utility Name: WS225 Florida Water Services Corporation

Did customer previously contact the utility?:

Did customer previously contact the PSC?:

## PROBLEM INFORMATION

Problem Type: Other Complaints

Complaint Detail: To whom, or how do I officially inform the FPSC about KNOWN title defects in land currently being leased by Florida Water Services Corp? I write you especially with the pending sale of Florida Water services to the cities in the panhandle.(Milton, etc.) The land in question is NOT owned by lessor Charles Pitts. The lease was signed in 1997. Prior to the lease signing FWS commissioned a surveyor in Palatka to research the area. The surveyor DID inform the lessee(FWS) that the lessor (Pitts) did NOT have clear title. FWS (then named Southern State Utilities) elected to 'ignore' their surveyor's findings and proceeded with the lease. (99year contract) A letter from Southern State Utilities' attorney addressed to the surveyor, along with the surveyor's report, testifies to this fact. I am (Carolyn Elizabeth Rehbaum - 407/332-8061 - 516 Orange Drive #34, Altamonte Springs, FL 32701) the owner (as of 5/1999) of the said property. In 2001 my real estate attorney put FWS on notice of the title defect effecting the area around their lease. Presently I am working with my title insurance company (Commonwealth Land Title) over ending the lease with FWS and Charles Pitts AND a number of other title defects pertaining to my property. The surveyor we have commissioned is the same surveyor that FWS commissioned in 1997. This is the reason of my knowledge of the area and titles. Thank you, Carolyn Rehbaum Well site is the Wooton site, Georgetown, FL, Putnam County. Services 25-30 homes.

For PSC Webmaster Use Only:

Mozilla/4.0 (compatible; MSIE 4.01; Windows 98)

<http://www.psc.state.fl.us/consumers/complaint/review.cfm>

[www.psc.state.fl.us](http://www.psc.state.fl.us)

State of Florida



Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** March 7, 2003

**TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

**FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

**RE:** DOCKET NO. 021066-WS, HEARING HELD 02-28-03

---

RE: FLORIDA PUBLIC SERVICE COMMISSION vs. FLORIDA WATER SERVICES CORP.

DOCUMENT NO. 02273, 03-06-03

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, ECR

Acknowledged BY:

A handwritten signature in dark ink, appearing to be "JF/rlm", written over a horizontal line.

JF/rlm

PSC/CCA028-C (Rev10/01)



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

### -M-E-M-O-R-A-N-D-U-M-

---

**DATE:** January 16, 2004

**TO:** Parties of Record in Dockets 020554-WS, 021066-WS, 030541-WU, 030921-WS, 030931-WS, 030932-WS, 030966-WS, 030967-WS, 030976-WS, 031060-WS, 031061-WS, 031062-WS, 031063-WU, 031064-WU, 031065-WS, and 031071-WS

**FROM:** Blanca S. Bayó, Commission Clerk and Administrative Services Director *BSB*

**RE:** Contact Regarding Employment

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Section 5.02 B.1.c. of the Commission's Administrative Procedures Manual requires all parties and interested persons in affected dockets to be notified if a staff person involved in any docket indicates he or she has been approached regarding employment by a party in the docket.

As a party or interested person in the dockets referenced above, you are hereby notified that Lorena A. Holley, senior attorney in the Commission's Office of the General Counsel, has advised the Commission that she was contacted and has accepted employment with the law firm of Rutledge, Ecenia, Purnell and Hoffman, which represents Florida Water Services Corporation, a party in the referenced dockets.

BSB:kf

cc: Mary A. Bane, Executive Director  
Richard Melson, General Counsel  
Kevin Neal, Deputy Executive Director  
Mary Anne Helton, Attorney Supervisor  
Lorena Holley, Senior Attorney

State of Florida



Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** March 6, 2003  
**TO:** Division of the Commission Clerk and Administrative Services  
**FROM:** Lorena A. Holley, Senior Attorney, Office of the General Counsel *JAM*  
**RE:** Docket No. 021066-WS - Investigation into Proposed Sale of Florida Water Services Corporation

---

Please file the attached letter, dated February 25, 2003, in the correspondence side of the above-referenced docket.

RECEIVED 7:50  
MAR -6 PM 2:15  
COMMISSION  
CLERK

cc: Division of Economic Regulation (Daniel, Kummer, Willis)





**Florida House of Representatives**  
**Representative Ray Sansom**  
District 4

Reply to: 348 SW Miracle Strip Pkwy.  
Suite 8  
Fort Walton Beach, FL 32548  
850-833-9328  
850-833-9342 (Fax)

210 House Office Building  
402 South Monroe Street  
Tallahassee, FL 32399-1300  
850-488-1170

February 25, 2003

**RECEIVED**

**MAR 03 2003**

The Honorable Lila Jaber, Chairman  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Florida Public Service Commission  
CHAIRMAN JABER

Re: Acquisition of Utilities by Florida Water Services Authority

Dear Commissioner Jaber:

We understand that the Public Service Commission has received an application from Florida Water Services Corp. to transfer its water and sewer utilities to the Florida Water Services Authority, a public agency of Milton and Gulf Breeze under Section 163.01(7), Florida Statutes. Due to the tremendous importance of the above-referenced matter to the people of Northwest Florida, we request that the Public Service Commission cease its efforts to enjoin the closing of the transaction, and follow existing law providing for after-the-fact approval by the PSC.

The Florida Water Services Authority has been created pursuant to Section 163.01(7), Florida Statutes, as the agent of Gulf Breeze and Milton to implement this important public program. Until now, all other such agencies created under that statute have been allowed to proceed, unhindered, with the closing of the acquisition of the utilities. In every case to date, the PSC has granted all approvals as a matter of right and without review, and has always allowed the closing to occur prior to giving that approval. However, in the present case, the Florida Public Service Commission staff has sought to enjoin the program prior to closing, even though the law is eminently clear that the PSC has no jurisdiction:

Section 163.01(7)(g)(1), Florida Statutes, (under which the Florida Water Services Authority is created) specifically states:

Committees: Education Appropriations Subcommittee; Education K-20, Pre-K through 12 (Vice Chair); Health Care; Health Standards; Local Government & Veterans' Affairs; Veterans' & Military Affairs; Joint Legislative Auditing Committee (Alternating Chairman); House Select Committee on Article V; Finance & Tax

Page 2

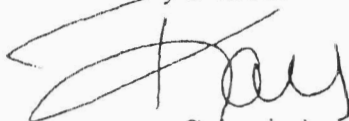
Notwithstanding s. 367.171(7), [the public service commission Act] any separate legal entity created under this paragraph *is not subject to commission jurisdiction.*

The acquisition of the utilities of Florida Water Services Corp. by an agency of Gulf Breeze and Milton will provide much-needed economic benefits to the local area. In addition, the utilities will be a resource for the current operations of the water and sewer utilities of Gulf Breeze and Milton, including disaster assistance, increased bargaining and purchasing power, permitting expertise and environmental resources, and other useful assistance. The acquisition will also assure that the customers of the utility no longer have to fund the profit (historically, \$14 million per year) returned to the investors who currently own Florida Water Services Corp. The utilities will continue to be operated by professional staff and management having extensive experience running the systems. And the Board of Florida Water Services Authority will be appointed by the cities of Gulf Breeze and Milton, who already have experience in running water and sewer utilities.

We urge that you (i) remain neutral in this transaction and (ii) follow the same procedure for this transaction as has been applied to the other public agency utility acquisitions, by allowing the transaction to close under authorization for after-the-fact PSC approval. The delays sought by the Public Service Commission create a tremendous risk that interest rates will increase and make the economics of the acquisition no longer feasible. We suggest that to interfere with the transaction in light of existing laws and precedents by the PSC may well expose the state to liability for the economic consequences of such interest rate changes.

Sincerely,

Ray Sansom



cc: Commissioner J. Terry Deason  
Commissioner Braulio L. Baez  
Commissioner Rudolph Bradley  
Commissioner Charles M. Davidson

**CCA Official Filing:**

**3/10/03\*\*\*\*\* 1:45 PM\*\*\*\*\*Marguerite Lockard \*\*\*\*\*1**

**Marguerite Lockard**

PSC-03-0341-PCO

**From:** Dorothy Menasco  
**Sent:** Monday, March 10, 2003 1:30 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

3

**Date and Time:** 3/10/03 1:29:00 PM  
**Docket Number:** 021066-WS  
**Filename / Path:** 021066-inv4.lah

Order Granting Intervention

Atty: Lorena Holley

Pages: 3

10/2

**CCA Official Filing:**

**3/10/03\*\*\*\*\* 1:45 PM\*\*\*\*\*Marguerite Lockard \*\*\*\*\*1**

**Marguerite Lockard**

PSC-03-0342-PC0

**From:** Dorothy Menasco  
**Sent:** Monday, March 10, 2003 1:30 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

3

**Date and Time:** 3/10/03 1:30:00 PM  
**Docket Number:** 021066-WS  
**Filename / Path:** 021066-inv1.lah

Order Granting Intervention

Atty: Lorena Holley

Pages: 3

10/2

CCA Official Filing:

3/10/03\*\*\*\*\* 1:45 PM\*\*\*\*\*Marguerite Lockard \*\*\*\*\*1

Marguerite Lockard

PSC-03-0343-PCO

From: Dorothy Menasco  
Sent: Monday, March 10, 2003 1:32 PM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

3

Date and Time: 3/10/03 1:31:00 PM  
Docket Number: 021066-WS  
Filename / Path: 021066-inv2.lah

Order Granting Intervention

Atty: Lorena Holley

Pages: 3

10/2

CCA Official Filing:

3/10/03\*\*\*\*\* 1:45 PM\*\*\*\*\*Marguerite Lockard \*\*\*\*\*1

Marguerite Lockard

PSC-03-0344-PCO

From: Dorothy Menasco  
Sent: Monday, March 10, 2003 1:31 PM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

3

Date and Time: 3/10/03 1:30:00 PM  
Docket Number: 021066-WS  
Filename / Path: 021066-inv3.lah

Order Granting Intervention

Atty: Lorena Holley

Pages: 3

10/2

STATE OF FLORIDA

COMMISSIONERS:

LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

March 12, 2003

Jon Wheeler, Clerk  
Florida First District Court of Appeal  
301 South Martin Luther King Boulevard  
Tallahassee, Florida 32399

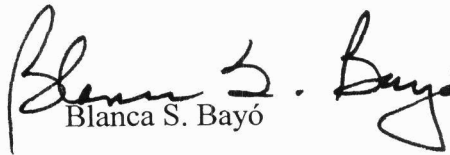
**Re: Florida Water Services Corporation vs. Florida Public Service Commission  
(Docket No. 021066-WS)**

Dear Mr. Wheeler:

Enclosed is a certified copy of a Notice of Administrative Appeal, filed in this office on behalf of Florida Water Services Corporation, filed March 10, 2003. A copy of Order No. PSC-03-0193-FOF-WS, the order on appeal, is attached to the notice as an exhibit.

It is our understanding that the index is due to be served on the parties to this proceeding on or before April 29, 2003.

Sincerely,

  
Blanca S. Bayó

BB:mhl  
I:\Appeals\NOAtoDCA.wpd  
Enclosure

cc: J. Stephen Menton, Esquire  
Carlyn Kowalsky, Esquire  
David Smith, Esquire

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

Matilda Sanders

0336-FOF

From: Dorothy Menasco  
Sent: Tuesday, March 30, 2004 4:07 PM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

4

Date and Time: 3/30/2004 4:02:00 PM  
Docket Number: 021066-WS  
Filename / Path: 021066\021066-OR.mah.doc

ORDER CLOSING DOCKET

Atty: Mary Anne Helton

Pages: 4

Issuance on Wednesday, 3/31/04, is fine.

1815.



# FOX & LOQUASTO, P.A.

ATTORNEYS AND COUNSELORS AT LAW  
APPELLATE PRACTICE  
www.FLAPPEAL.com

Reply to:

**Susan W. Fox\***

112 North Delaware Avenue  
Tampa, Florida 33606  
(813) 251-6400  
Fax (813) 254-6144

\*Board Certified in Appellate Practice

**Wendy S. Loquasto\*\***

314 West Jefferson Street  
Tallahassee, Florida 32301  
(850) 425-1333  
Fax (850) 561-0836

\*\*Admitted Florida & Georgia Bars

April 1, 2004

State of Florida  
Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

RECEIVED-1130  
APR -5 AM 9:49  
COMMISSION  
CLERK

Re: Docket 021066  
Investigation into proposed sale of Florida Water Services Corporation

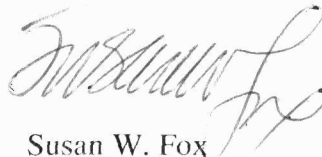
Gentlemen:

This is to advise that I have opened a new law firm and have moved to the following location:

Susan W. Fox  
FOX & LOQUASTO, P.A.  
112 N. Delaware Ave.  
Tampa, Florida 33606  
Ph: (813) 251-6400  
Fax: (813) 254-6144

Please mark your records in the above referenced matter accordingly. Thank you.

Sincerely,



Susan W. Fox  
Counsel for  
Sugarmill Woods Civic Association, Inc.

SWF/ce

done  
04/07/04  
KMP  
ry