

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

DOCKET NO. 100330-WS
ORDER NO. PSC-11-0364-PCO-WS
ISSUED: August 29, 2011

ORDER GRANTING INTERVENTION

On July 26, 2011, the Pasco County Board of County Commissioners (County), by and through Joseph D. Richards, Pasco County Attorney's Office, filed its Petition to Intervene (Petition). In that Petition, the County noted that Section 367.091(2), Florida Statutes (F.S.), states that in a rate change proceeding, "the commission shall grant intervenor status to any governing body that files a petition."

On August 2, 2011, Aqua Utilities Florida, Inc. (AUF), filed its timely response agreeing that the above-noted statute permits Pasco County to intervene. However, AUF notes that in the County's Petition, the County alleges that it is intervening not only on its own behalf, but also "on behalf of its citizens that are customers of Aqua." AUF notes that the Office of Public Counsel (OPC) is already representing those customers, and alleges that nothing in Section 367.091(2), F.S., affords the County "the right to represent in this proceeding individual AUF customers." AUF requests that any order granting intervention make it clear that the County is not representing individual customers who are already represented by OPC.

The language that AUF takes issue with is found in the County's Petition, under paragraph 5., Disputed Issues of Material Fact, where at the beginning the County states in pertinent part: "Pasco County, on behalf of its citizens that are customers of Aqua, contends" If this language indicates that the County seeks to represent the consumers of the County, then it does not appear that it has complied with the provisions of Section 120.52(13)(d), F.S., for such representation.

Based on the above, if the County seeks to represent the AUF customers, it should comply with the provisions of 120.52(13)(d), F.S. However, having complied with Section 367.091(2), F.S., the County's Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, the County takes the case as it finds it.

Therefore, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that the Petition to Intervene filed by the Pasco County Board of County Commissioners is hereby granted. It is further

DOCUMENT NUMBER-DATE

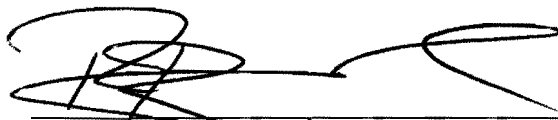
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FPSC-COMMISSION CLERK

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Joseph D. Richards, Esquire
Pasco County Attorney's Office
8731 Citizens Drive, Suite 340
New Port Richey, FL 34654

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 29th day of
August, 2011.



RONALD A. BRISE
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
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RRJ

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.