

Commissioners:
MICHAEL M. WILSON, Chairman
GERALD L. (JERRY) GUNTER
JOHN T. HERNDON
THOMAS M. BEARD
BETTY EASLEY

State of Florida



STEVE TRIBBLE, Director
Division of Records & Reporting
(904) 488-8371

Public Service Commission

February 26, 1990

Sharyn Smith, Director
Division of Administrative Hearings
1230 Apalachee Parkway
DeSoto Building
Tallahassee, Florida 32301

RE: Docket No. 891280 WS - Objection to
notice of Betmar Utilities, Inc. of appli-
cation for amendment of Certificates 137-W
and 98-S in Pasco County

Dear Ms. Smith:

Commission staff have recommended, and the Chairman has approved, the referral of the above-referenced docket to the Division of Administrative Hearings for hearing. I am forwarding copies of material from our docket file for your examiner's use in preparation of the case.

If there are any questions regarding the case, you may contact our staff counsel, David Schwartz, at 487-2740.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG cc: Chairman Michael Wilson
- LEG _____ Mr. David Schwartz
- LEH _____ Ms. Eve A. Turco
- LEH _____ Mr. James Benjamin Harrill
- LEH _____ Ms. JoEllen Farnham
- RDH _____
- WAS _____
- OTH _____

Sincerely yours,

KF

Kay Flynn, Chief
Bureau of Records

DOCUMENT NUMBER - DATE

01795 FEB 26 1990

REC-RECORDS/REPORTING

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

February 20, 1990

TO: COMMISSIONERS
FROM: NANETTE FISHER *N.*
RE: DOCKET ASSIGNED TO DOAH FOR HEARING

The following docket was tentatively assigned to DOAH by the Chairman during case assignment yesterday. Unless you have objection, a transmittal letter will be prepared by the Clerk's office for the docket to be transferred on Monday, February 26, 1990.

#891280-WS - OBJECTION TO NOTICE OF BETMAR UTILITIES, INC. OF APPLICATION FOR AMENDMENT OF CERTIFICATES 137-W and 98-S IN PASCO COUNTY.



A copy of the transmittal letter will be in my office by Friday, February 23, for your additional review.


DOCUMENT NUMBER-DATE
01795 FEB 26 1990
FPSC-RECORDS/REPORTING

M E M O R A N D U M

February 19, 1990

TO : NANETTE FISHER

FROM : DIVISION OF LEGAL SERVICES (SCHWARTZ, ^{DJS} DAVIS, VANDIVER) 
DIVISION OF WATER AND SEWER (HILL) 

RE : APPROPRIATENESS FOR REFERRAL TO DOAH OF DOCKET NO.
891280-WS - OBJECTION TO NOTICE OF BETMAR UTILITIES,
INC. OF APPLICATION FOR AMENDMENT OF CERTIFICATES
137-W AND 98-S IN PASCO COUNTY. 

This docket was initiated on account of an application filed by Betmar Utilities, Inc. (Betmar) for amendment of water and sewer certificates in Pasco County. The application was filed on November 13, 1989. On November 21, 1989, staff mailed Betmar a letter informing the utility that it must comply with the notice provisions of newly enacted Section 367.045, Florida Statutes. Pasco County filed an objection to Betmar's notice of amendment on November 27, 1989, and restated such objection on December 26, 1989, after Betmar renoticed under the new statute.

Pasco County states the following reasons for its objection: the proposed extension of Betmar's service territory would result in unnecessary and uneconomic duplication of water and sewer services in light of the existing facilities and service capabilities of Pasco County;

MEMORANDUM - NANETTE FISHER
DOCKET NO. 891280-WS
FEBRUARY 19, 1990

would violate Pasco County's Local Government Comprehensive Plan; and would be inconsistent with Section 163.3194, Florida Statutes. Pasco County further states that Betmar has been under enforcement action by the Department of Environmental Regulation for approximately the last four years regarding its wastewater treatment plant.

By phone conversation on February 19, 1990, Betmar indicated its desire to proceed with a formal hearing to dispose of Pasco County's objection. Based on the foregoing, staff recommends that this matter be set for hearing. Because there are two parties that will participate as adversaries regarding issues that are primarily factual, we believe this case may be appropriate for referral to the Division of Administrative Hearings (DOAH).

DCS

cc: Division of Water and Sewer (Chapdelaine)
Division of Records and Reporting (Simmons)
Mrs. Carol Causseaux, Court Reporting