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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of)
Certificate No. 187-S to delete and)
extend territory in Lee County by)
SANIBEL SEWER SYSTEM PARTNERS, LTD.)

DOCKET NO. 900802-

ORIGINAL
FILE COPY

In re: Application for amendment of)
Certificate No. 187-S in Lee County)
by Sanibel sewer System Partners, Ltd.)

DOCKET NO. 910476-SU
FILED:

COMMISSION STAFF'S PREHEARING STATEMENT

Pursuant to Order No. 24001, issued January 17, 1991, the Commission Staff (Staff) files its prehearing statement as follows:

(a) Witnesses

Staff does not intend to call any witnesses.

(b) Exhibits

Staff does not intend to sponsor any exhibits, but reserves the right to use exhibits for the purpose of cross-examination.

(c) Basic Position

The information gathered through discovery and prefiled testimony indicates, at this point, that the utility's request to amend its Certificate of Authorization should be granted in part. A specific determination of what portions of the amendment request should be granted cannot be determined until evidence presented at hearing is analyzed.

(d - i) Issues of Fact, Law and Policy

The following are issues identified by Staff and its positions on these issues. Staff's positions are preliminary, are based upon materials filed by the utility or obtained through discovery and are intended to inform the parties of Staff's preliminary positions. Staff's final positions will be based upon an analysis of the evidence presented at the hearing.

DOCUMENT NUMBER-DATE

04315 MAY-2 1991

FPSC-RECORDS/REPORTING

1. ISSUE: What is the remaining capacity of Sanibel Sewer system?

POSITION: The DER rated capacity of the Sanibel Sewer System treatment and disposal system is 1.25 mgd., which equates to 5,208 ERCs, assuming an ERC equals 240 gpd. There are 4,916 ERCs that have been committed, and from this number 4,357 ERC'S are existing customers. Therefore, the remaining capacity = 5,208 ERC's - 4916 ERC's = 292 ERC'S.

2. ISSUE: Is the remaining capacity sufficient to serve the certificated area?

POSITION: No position at this time.

3. ISSUE: Will the remaining capacity be sufficient to serve the certificated area if the certificated area is amended as requested?

POSITION: No position at this time.

4. ISSUE: Should the utility be required to provide service to the entities or persons who have requested service in the utility's certificated territory?

POSITION: Yes, Section 367.111, Florida Statutes, requires that each utility shall provide service to the area described in its certificate of authorization within a reasonable time. The following entities in the utility's current certificated territory have requested service which the utility has not provided: Algiers, 1473 Periwinkle Way; MCT's Shrimphouse, 1523 Periwinkle Way; and Tahitian Gardens, 1975 Periwinkle Way.

5. ISSUE: Should the utility be penalized for failure to provide service in its certificated territory?

POSITION: Staff has no position at this time.

6. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to include the territory in Docket No. 910476-SU (U.S. Fish and Wildlife area) be granted?

POSITION: Yes, the territory should be amended to include the territory of the U.S. Fish and Wildlife area, which has been receiving service since 1985 (Docket No. 910476-SU).

7. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to include the territory in Overlay #2 of Ex. KK-4, area D, be granted?

POSITION: Yes, with respect to the current customers of the Bailey Shopping Center, and the Palm Ridge Shopping Center (Overlay #2 of Ex. KK-4, area D), the amendment of territory should be granted. With respect to the rest of that area sought to be added, staff has no position at this time.

8. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to include the Sanibel Lighthouse (Overlay #2 of Ex. KK-4, the blue area that is at the western tip of the island) be granted?

POSITION: Yes the territory should be amended to include the Sanibel Lighthouse, which is receiving service (Overlay #2 of Ex. KK-4, the blue area that is to the far right).

9. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to include the territory in Overlay #2 of Ex. KK-4 (also known as the Bayview Drive area which is the blue area to the right and middle of the exhibit) be granted?

POSITION: Yes, with respect to the three customers being served in the area at this time. Staff has no position at this time about the rest of the area.

10. ISSUE: Should the utility be penalized for serving outside its certificated territory?

POSITION: Staff has no position at this time.

11. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to delete the territory of Sanibel Estate/Shell Harbor (Overlay #4 of Ex. KK-4, identified as I) be granted?

POSITION: Staff has no position at this time.

12. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to delete the territory of Donax/Cardium/Nertita Street (Overlay #4 of Ex. KK-4, identified as II) be granted?

POSITION: Staff has no position at this time.

13. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to delete the territory of the Water Shadows/Bayside (Overlay #4 of Ex. KK-4, identified as III) be granted?

POSITION: Staff has no position at this time.

14. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to delete the territory of the Periwinkle Way corridor (Overlay #4 of Ex. KK-4, identified as IV) be granted?

POSITION: No, the request to delete territory should be denied with respect to Algiers, 1473 Periwinkle Way, McT's Shrimphouse, 1523 Periwinkle Way, and Tahitian Gardens, 1975 Periwinkle Way, which have requested service and Wills Landing, which has paid connection fees for 10 ERCs. Staff has no position at this time about the rest of this area.

15. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to delete the territory of the Casa Ybel/Sanibel Highlands area as known as the Interior Wetlands Conservation District

(Overlay #4 of Ex. KK-4, identified as V) be granted?

POSITION: Staff has no position at this time.

16. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to delete the territory of the Southwinds (Overlay #4 of Ex. KK-4, identified as VI) be granted?

POSITION: Staff has no position at this time.

17. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to delete the park area owned by the City of Sanibel, the Tarpon Bay and Sanibel Subdivision (Overlay #4 of Ex. KK-4, identified as VII) be granted?

POSITION: Staff has no position at this time.

18. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to delete the territory of Lake Murex and other subdivisions north of West Gulf Drive (Overlay #4 of Ex. KK-4, identified as VIII) be granted?

POSITION: No, with respect to the territory of Lantana on the Gulf and the Beachview Cottages, the certificated territory should not be deleted. Staff has no position at this time on the rest of this area.

19. ISSUE: Should the request of Sanibel Sewer System to amend its certificated territory to delete the territory held for preservation by the city of Sanibel or the Sanibel Captiva Conservation Foundation (Overlay #4 of Ex. KK-4, identified as IX) be granted?

POSITION: Staff has no position at this time.

20. ISSUE: Is it in the public interest to delete isolated areas from a certificated area of service?

POSITION: Staff has no position at this time.

(g) Stipulated Issues

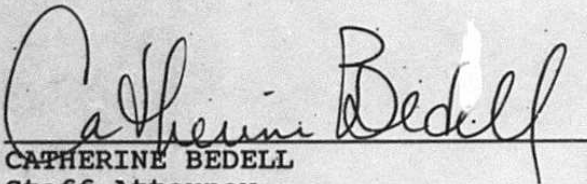
There are no issues that have been stipulated at this time.

(h) Pending Matters

There are no matters pending at this time.

(i) Requirements That Cannot Be Complied With

There are no requirements of Order No. 24001 that cannot be complied with at this time.



CATHERINE BEDELL
Staff Attorney

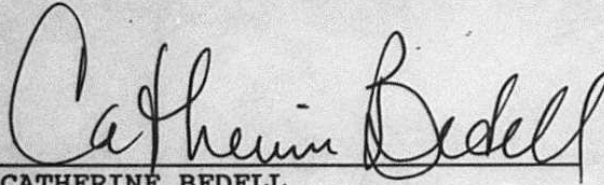
FLORIDA PUBLIC SERVICE COMMISSION
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Commission Staff's Prehearing Statement has been furnished by U. S. Mail to Kathryn Cowdery, Esquire, Gatlin, Woods, Carlson & Cowdery, 1709-D Mahan Drive, Tallahassee, Florida 32308, and to Robert D. Pritt, Esquire, City Attorney, City of Sanibel, 800 Dunlap Road, Sanibel, Florida 33957, this 2nd day of May, 1991.



CATHERINE BEDELL
Staff Attorney

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