

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

State of Florida



Blanca S. Bayó, Director
Division of Records and Reporting
(904) 413-6770

ORIGINAL
FILE COPY

Public Service Commission

DATE: January 7, 1997
TO: Parties of Record
FROM: Blanca S. Bayó, Director *BSB*
Division of Records and Reporting
RE: Docket No. 960235-WS - Application for transfer of Certificates Nos. 404-W and 341-S in Orange County from Econ Utilities Corporation to Wedgefield Utilities, Inc.
Docket No. 960283-WS - Application for amendment of Certificates Nos. 404-W and 341-S in Orange County by Wedgefield Utilities, Inc.

This is to inform you that Commissioner Clark has reported the following communication in the above referenced docket.

Letter from Senator John Ostalkiewicz dated December 26, 1996, and Commissioner Clark's response.

The letter from Senator Ostalkiewicz and the Commissioner's response, copies of which are attached, are being made a part of the record in these proceedings. Pursuant to Section 350.042, F.S., any party who desires to respond to an ex parte communication may do so. The response must be received by the Commission within 10 days after receiving notice that the ex parte communication has been placed on the record. Please mail your response to the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

- ACK _____
- AFA _____
- APP _____
- CAF _____ BSB/cp
- CMU _____
- CTR _____ Attachments
- EAG _____ cc: Rob Vandiver/w/letter
- LEG _____
- LIT _____
- OPC _____
- RCH _____
- SEC 1 _____
- WAS _____
- OTH _____

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DOCUMENT NUMBER-DATE
00182 JAN-85
FPSC-RECORDS/REPORTING

Susan F. Clark
Chairman

State of Florida



Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(904) 413-6040
FAX (904) 487-1716

Public Service Commission

January 2, 1997

The Honorable John Ostalkiewicz
Senator, District 12
The Florida Senate
6000 South Rio Grande Avenue, Suite 101
Orlando, Florida 32809

Dear Senator Ostalkiewicz:

Thank you for your letter dated December 26, 1996, concerning Order No. PSC-96-1241-FOF-WS, whereby this Commission, by final agency action, approved the transfer and amendment applications of Wedgefield Utilities, Inc., and by proposed agency action, established rate base for purposes of the transfer. With regard to your concerns about notification, I hope the following explanation will be of help to you.

Florida law and Commission rules require publication, in a local newspaper, of notice of a proposed transfer and/or amendment application. Such notice must include a statement that any objections to the application must be filed with the Commission within 30 days. Also, a utility must provide a copy of the notice to each customer affected by the transfer and/or amendment. On February 27, 1996, Wedgefield filed a petition for approval of the proposed transfer. On March 5, 1996, Wedgefield filed an application for amendment of its certificates to include additional territory. By letter dated March 7, 1996, Wedgefield notified the Commission that it had complied with the prescribed noticing procedures.

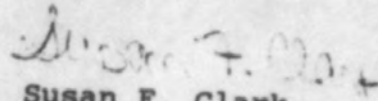
Before a proposed transfer or amendment is approved, the acquiring utility must demonstrate that it has the technical and financial skills needed to render adequate service. The Commission, in this case, voted to approve Wedgefield's application to transfer and amend its certificates. Because no objections were received within the 30-day protest period, the Commission's action, in this regard, became final. However, with regard to the establishment of the rate base for purposes of transfer, this portion of the Commission's order was issued as a proposed agency action to afford substantially affected persons the opportunity to protest.

The Honorable John Ostalkiewicz
January 2, 1997
Page 2

The Office of Public Counsel has filed a timely protest on behalf of the customers of the Wedgefield community of the rate base established by the Order. Accordingly, a public hearing has been scheduled for April 29, 1997, to be held in the Wedgefield service area. This hearing date is subject to change; however, customers of the utility will receive notice of this hearing.

Thank you for your inquiry.

Sincerely,



Susan F. Clark
Chairman

cc: Division of Legal Services (Cyrus-Williams)
Division of Water and Wastewater (Williams, Walker)
Division of Records and Reporting (DN 960235-WS
and DN 960283-WS)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

96-0446 DEC 31

Clark

SENATOR JOHN OSTALKIEWICZ
12th District

December 26, 1996

Susan F. Clark, Chairman
Public Service Commission
2540 Shumard Oaks Blvd.
Tallahassee, FL 32399-0850

Re: Docket Number 960235-WS

Dear Ms. Clark,

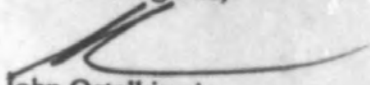
It has been brought to my attention by a number of Wedgefield residents that proper notification was not given to them concerning the transfer of water & sewer service to Wedgefield Utilities. They have asked that the Notice of the Proposed Agency Action dated October 7, 1996 be set aside.

There are three organizations that represent the community and it is our understanding that none of the Homeowners Associations have received notices by the Commission.

If the situation cannot be settled amicably between the Commission, Wedgefield Utilities, PSC Public Council and representatives from the respective Wedgefield Homeowners Associations, we would respectfully request that a public hearing take place prior to a Commission decision to ensure an opportunity to bring all pertinent information forth.

Please advise me as to the status of this issue.

Warmest regards,


John Ostalkiewicz
State Senator
District # 12

CJO/clm

COMMITTEES:
Ways and Means.
Sub. E (Finance and Tax).
Chairman
Agriculture
Commerce and Economic Opportunities
Judiciary
Rules and Calendar
Transportation

JOINT COMMITTEE:
Joint Legislative Auditing Committee.
Chairman

RECEIVED

DEC 30 1996

Florida Public Service Comm.
Commissioner Clark

REPLY TO:

- 6000 South Rio Grande Avenue, Suite 101, Orlando, Florida 32806 (407) 858-6183
- 312 Senate Office Building, Tallahassee, Florida 32399-1100 (904) 487-5047

TONI JENNINGS
President

ROBERTO CASAS
President Pro Tempore

State of Florida



Public Service Commission

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

DATE: January 2, 1997

TO: Blanca Bayó, Director of Records and Reporting

FROM: Susan F. Clark, Chairman *SFC*

RE: Dockets Nos. 960235-WS and 960283-WS

I have attached a copy of a letter dated December 26, 1996, from Florida State Senator John Ostalkiewicz, which references matters at issue in the above-referenced proceedings. I have also attached a copy of my response. Please place this memorandum and attachment on the record of the above-referenced proceedings. Also, please give notice of this communication to all parties to the dockets and inform them that they have 10 days from receipt of the notice in which to file a response.

Attachment

From: Carol Purvis Confirm receipt
To: Braulio Baez, Brenda Ferris, Charles Rehwinkel, Curtis Williams
Subject: Ex Parte

===NOTE=====

Chairman Clark has reported receiving a letter from Senator John Ostalkiewicz, dated December 26, 1996, concerning Dockets Nos. 960235-WS and 960283-WS. We are preparing to distribute the letter and the Chairman's response to the parties to this docket. Would you please advise if your Commissioner also received this letter from Senator Ostalkiewicz.

From: Carol Purvis
To: Braulio Baez, Brenda Ferris, Charles Rehwinkel, Curtis Williams
Subject: fwd: Ex Parte

====NOTE=====1/03/97=10:59am=====

Chairman Clark has reported receiving a letter from Senator John Ostalkiewicz, dated December 26, 1996, concerning Dockets Nos. 960235-WS and 960283-WS. We are preparing to distribute the letter and the Chairman's response to the parties to this docket. Would you please advise if your Commissioner also received this letter from Senator Ostalkiewicz.

Fwd-by:=Charles-Rehwi=1/03/97=11:03am=====

Fwd to: Carol Purvis

.....

We have not recieved such a letter in this office.

From: Carol Purvis
To: Braulio Baez, Brenda Ferris, Charles Rehwinkel, Curtis Williams
Subject: fwd: Ex Parte

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Fwd-by:=-Curtis=Willia=1/06/97==8:57am=====

Fwd to: Carol Purvis

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We have not received the letter.

From: Carol Purvis
To: Braulio Baez, Brenda Ferris, Charles Rehwinkel, Curtis Williams
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letter from Senator Ostalkiewicz.

Fwd-by:-Braulio-Baez--1/06/97--9:17am-----
Fwd to: Carol Purvis

.....
Hi Carol. Our office has not received this letter.
