

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of :
Application for Amendment :
of Certificate No. 427-W :
to add territory in :
Marion County by Windstream :
Utilities Company. :

DOCKET NO. 960867-WU



PROCEEDINGS: AGENDA CONFERENCE
ITEM NO. 28

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

DATE: April 1, 1997

PLACE:
Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: ROWENA NASH
Official Commission Reporter
(904) 413-6736

DOCUMENT NUMBER-DATE
03331 APR-15
FPSC-RECORDS/REPORTING

1 **PARTICIPATING:**

2 DONNA CYRUS-WILLIAMS, FPSC Division of Legal
3 **Services.**

4 RICHARD REDEMANN, FPSC Division of Water &
5 **Wastewater.**

6 REPRESENTATIVE GEORGE ALBRIGHT, from Marion
7 **County.**

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1 **PARTICIPATING:**

2 **Donna Cyrus-Williams, FPSC Division of Legal**
3 **Services.**

4 **Richard Redemann, FPSC Division of Water &**
5 **Wastewater.**

6 **Representative George Albright, from Marion**
7 **County.**

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PROCEEDINGS

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3 COMMISSIONER CLARK: We are going to go
4 ahead and take up Item 28 briefly to allow the
5 Representative to make a presentation, and Staff is
6 here.

7 MS. CYRUS-WILLIAMS: Commissioners, Marty
8 Deterding representing the utility is not here yet.

9 COMMISSIONER CLARK: I would propose -- is
10 he on his way over here?

11 MS. CYRUS-WILLIAMS: I just left a message
12 at his office.

13 COMMISSIONER CLARK: All right. Let's go
14 ahead. We are not going to consider the whole item at
15 this time. We are just going to allow the
16 representative to speak. And I understand he has a
17 letter, and then I will rely on Staff to get that
18 information to Mr. Deterding.

19 MS. CYRUS-WILLIAMS: Okay.

20 COMMISSIONER CLARK: And then we will take
21 up the item itself in its proper order.

22 COMMISSIONER KIESLING: May I inquire about
23 one other thing? Would it be wise to have a court
24 reporter here then, so that since all the parties
25 aren't here that they would have at least a transcript

1 of his comments? I just thought it might be helpful
2 to have a record.

3 COMMISSIONER CLARK: I assume that's where
4 Mr. Vandiver went.

5 COMMISSIONER KIESLING: Yes, it was. He
6 said he would go get one.

7 COMMISSIONER CLARK: And take up -- just to
8 have you introduce it briefly, and then we'll go to
9 the representative for his comments.

10 MS. CYRUS-WILLIAMS: All right. Item No. 28
11 is Staff's recommendation to treat JB Ranch's December
12 24 letter as a withdrawal of protest; or in the
13 alternative, grant Windstream's motion to dismiss
14 protest with regard to JB Ranch.

15 Staff also recommends that the county's
16 petition to intervene be granted. However, the county
17 should take the case as it finds it, which does not
18 include a hearing.

19 Staff also recommends that the Commission
20 deny the County's alternative petition in opposition
21 to amended application.

22 Staff would like to emphasize that its
23 recommendation addresses only the legal motions in this
24 case and does not go to the merits of the utility's
25 application for amendment.

1 **COMMISSIONER CLARK:** Thank you.

2 Representative?

3 **REPRESENTATIVE ALBRIGHT:** Thank you, Madam
4 Chair, and thank the five of you all for hearing me
5 and taking me out of order with all that's going on
6 down the road from here.

7 I'd like to be very brief. I would like to
8 read a one-page letter as the chairman of the
9 12-member Marion County Delegation into the record, if
10 I could, and make about a minute of comment, and then
11 I would be done.

12 **COMMISSIONER CLARK:** Go ahead.

13 **REPRESENTATIVE ALBRIGHT:** All right. This
14 is from myself as chairman of the delegation in
15 request that the Public Service Commission grant
16 Marion County's request for a hearing on Docket
17 No. 960867-WU to the Florida Public Service
18 Commission.

19 It has come to my attention that Marion
20 County has requested this Commission to hold a hearing
21 in Docket No. 960867-WU to determine the propriety of
22 amending the water certificate of Windstream
23 Utilities.

24 Since 1992, Marion County has been working
25 to protect the water resources of Marion County and to

1 address the problem of the proliferation of small
2 package plants and water-only systems. Currently,
3 over 500 of these package systems exist in Marion
4 County.

5 Marion County has developed and expanded
6 considerable sums of money in adopting its 1992
7 comprehensive plan, the 1993 master plan, its water
8 resource game plan and the State Road 200 water master
9 and wastewater plan in order to provide central water
10 and wastewater service to the state road area.

11 It is a matter of great importance to Marion
12 County that I ask the Public Service Commission to
13 exercise your discretion to hold a hearing in this
14 docket number as discussed.

15 The legislature has gone to great lengths to
16 provide an extensive process requiring local
17 governments to prepare a comprehensive plan for
18 development with extensive public participation, the
19 approval of local government, input of the regional
20 planning counsel and final improvement of DCA.

21 The comprehensive plan, thus finally
22 adopted, is supposed to be within the supreme guide
23 and not even local governments can pass an ordinance
24 inconsistent there within. If the Public Service
25 Commission in this case does not hold a hearing, all

1 the community's time, effort and money spent on
2 developing its comprehensive plan, in my opinion, will
3 be frustrated.

4 I, as chairman of the Marion County
5 Delegation, respectfully request that the hearing be
6 held in this matter so that the Commission may take
7 into consideration the County's need to develop its
8 comprehensive plan and comprehensive water and
9 wastewater program.

10 If I can make a couple of comments. I do
11 not want to pass -- I am just asking for this from a
12 structural standpoint for you to grant the hearing. I
13 in no way choose to deal with the facts. In fact, the
14 people that own Windstream are acquaintances of mine,
15 and I am just coming to you as the delegation
16 chairman, that this issue should be given a fair
17 hearing so that all parties can be -- have whatever
18 they have to say and let the chips fall where they
19 may.

20 I think you all know from a resource
21 standpoint, and as a lifelong resident of Marion
22 County, that the mother load of water for Florida runs
23 through my county, and what goes on above -- on the
24 soil above the mother load obviously can affect the
25 water for everybody south of us. Out on 200 there's

1 not a gumbo-clay layer that is in so many places about
2 Marion County, so there's a very good chance of
3 tricolation of any particles, or whatever, going down
4 into that aquifer. That's why the County has tried to
5 come and buy these systems up and to have a long-term
6 situation in place.

7 And I think the situation, once again not
8 dealing with the particular people, it does very much
9 frustrate what we are trying to do there that not only
10 protects our citizens' water, but, quite frankly, the
11 grand majority of the rest of the citizens.

12 So I think this is very much of a great
13 importance that needs to be heard. And once you
14 dispose of it, of course, is to your discretion. And
15 that concludes my comments, and thank you for taking
16 me out of turn.

17 **COMMISSIONER CLARK:** Thank you,
18 Representative Albright. And I'd like to thank the
19 Staff for hovering down here, too; and we will now
20 return to the regular agenda items.

21 **COMMISSIONER KIESLING:** Are we going put
22 that letter into the file? That's what I needed.

23 **CHAIRMAN JOHNSON:** Thank you very much.

24 * * * * *

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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

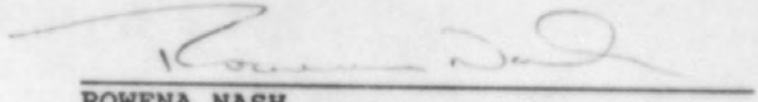
CERTIFICATE OF REPORTER

3 I, ROWENA NASH Official Commission Reporter,

4 DO HEREBY CERTIFY that the Agenda Conference
5 Item No. 28 in Docket No. 960867-WU was heard by the
6 Florida Public Service Commission at the time and
place herein stated; it is further

7 CERTIFIED that I stenographically typed the
8 said proceedings from tape; that the same has been
transcribed under my direct supervision; and that this
9 transcript, consisting of 8 pages, constitutes a true
transcription of my notes of said proceedings

10 DATED this 1st April, 1997.

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13 ROWENA NASH
14 Official Commission Reporter
(904) 413-6736

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