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ORIGINAL

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October 21, 1997

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Fl 32399-0850

970657

Re: Lake Suzy Utilities, Inc.'s Application for Original Certificate

Dear Ms. Bayo:

Enclosed herewith are an original and two copies of the Board of County Commissioners of DeSoto County, Florida's objection to Lake Suzy Utilities, Inc's application for application for original certificate and request for formal hearing for filing with the PSC.

Yours sincerely,

ACK           
AFA           
APP           
CAF           
CMU           
CTR           
EAG           
LEG 1  
LIN 5  
OPC           
RCH           
SEC 1  
WAS           
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ORIGINAL

STATE OF FLORIDA  
BEFORE THE PUBLIC SERVICE COMMISSION

In re: APPLICATION OF LAKE SUZY  
UTILITIES, INC., FOR ORIGINAL  
CERTIFICATE

Docket No. 970657

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**OBJECTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
DESOTO COUNTY, FLORIDA, TO THE APPLICATION OF LAKE SUZY  
UTILITIES, INC., FOR ORIGINAL CERTIFICATE AND REQUEST FOR  
FORMAL HEARING.**

The BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA,  
(hereinafter referred to as the "Board"), hereby files this Objection to the Application  
of Lake Suzy Utilities, Inc., (hereinafter referred to as "Lake Suzy Utilities") for Original  
Certificate, and requests for formal hearing thereon, and would state that:

1. This objection relates to the Application of Lake Suzy Utilities for an  
Original Certificate, filed September 26, 1997, (hereinafter referred to as the  
"Application").

2. The Board is the governing body of DeSoto County, Florida, a county  
affected by the Application.

3. The Board raises the following objections to the Application filed by Lake  
Suzy Utilities:

- a. Approval of the Application is not in the public's interest.
- b. The Application's proposed franchise area into Charlotte County  
is duplicative of another utility system in the area operated by  
Charlotte County Utilities. Charlotte County Utilities has the

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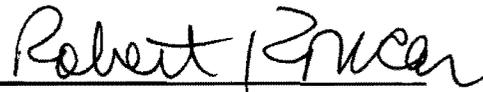
ability to adequately serve the proposed franchise area contained in Charlotte County.

- c. The Application is inconsistent with the DeSoto County Comprehensive Plan, in that, among other things, it does not promote the orderly growth of DeSoto County.
- d. The application does not serve a valid public purpose, but rather is being submitted solely for the purpose of creating an intercounty utility and remove Lake Suzy Utilities from the jurisdiction of DeSoto County.
- e. The Public Service Commission is without jurisdiction to hear this Application. On March 5, 1997, the Board rescinded the Public Service Commission's jurisdiction over private water and wastewater utilities in DeSoto County, Florida. The Board's rescision of the Public Service Commission's jurisdiction was acknowledged by the Public Service Commission in Order No. PSC-97-0603-FOF-WS, issued May 27, 1997. Lake Suzy Utilities did not file its Application until September 26, 1997. The Application was not "pending" before the Public Service Commission, for purposes of Section 367.171(5), Florida Statutes, at the time Lake Suzy Utilities became subject to the regulation of DeSoto County, Florida. Nor can Lake Suzy Utilities rely upon Section 367.171(7), Florida Statutes, to vest jurisdiction in the Public Service Commission, in that, Lake Suzy Utilities service area

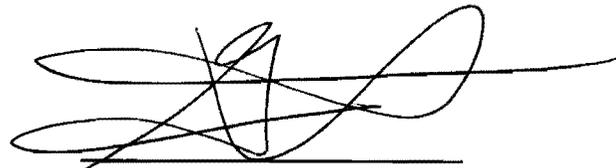
does not "traverse county boundaries." Section 367.171(7), Florida Statutes, does not confer jurisdiction to the Public Service Commission where an applicant merely proposes to traverse county boundaries. In short, Lake Suzy Utilities is a private water and wastewater utility operating solely within the boundaries and jurisdiction of DeSoto County, Florida, and the Public Service Commission is without jurisdiction to hear this application.

4. Wherefore, the Board requests the following relief:
  - a. That the Public Service Commission deny the Application;
  - b. That pursuant Rule 25-22.029, F.A.C., the Public Service Commission issue a Notice of Proposed Agency Action concerning the Application; and
  - c. If necessary, the Public Service Commission hold a public hearing on the Application.

Respectfully submitted,



Robert Koncar  
County Administrator

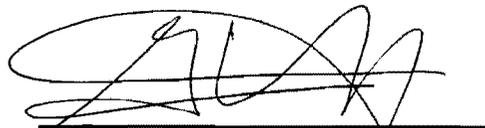


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Arcadia, Florida 34266  
941/494-5757

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served upon the addressees named in the attached service list by United States Mail this 21<sup>st</sup> day of October, 1997.

  
\_\_\_\_\_  
Gary Alan Vorbeck

**Service List**

**Lake Suzy Utilities, Inc.  
12408 SW Sheri Avenue  
Lake Suzy, FL 34266**

**Charlotte County Attorney's Office  
18500 Murdock Circle  
Port Charlotte, FL 33948-1094**