

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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IN RE: Application for amendment of)
 Certificate No. 106-W to add territory) DOCKET NO. 991666-WU
 in Lake County by Florida Water)
 Services Corporation.)
)

CITY OF GROVELAND'S PREHEARING STATEMENT

Pursuant to Order No. PSC-00-2096-PCO-WU and Rule 28-106.211, Florida Administrative Code, the City of Groveland, Florida files its Prehearing Statement in this docket and states as follows:

I. WITNESSES

Jason L. Yarborough	Direct	Issues 6, 7, 9, 10, 11A, 11B, 12
Joseph A. Mittauer	Direct	Issues 4, 7, 10, 11A, 11B, 12
Greg A. Beliveau	Rebuttal	Issues 5, 8, 10, 12

*The City of Groveland reserves the right to call additional witnesses, witnesses to respond to Commission inquiries not addressed in direct or rebuttal testimony and witnesses to address issues not presently designated but that may be designated by the Prehearing Officer at the prehearing conference on March 2, 2001.

II. EXHIBITS

Jason L. Yarborough	JLY-1	Resume
	JLY-2	Ord. 99-05-07
	JLY-3	City of Groveland Annual Financial Report 9/30/99
	JLY-4	Water Monthly Service Rates, Water Service Availability Charges
Joseph A. Mittauer	JAM-1	Resume
	JAM-2	City Service area map
	JAM-3	Water System Extension Map
	JAM-4	12/10/96 DEP letter
	JAM-5	1/16/97 DEP letter
	JAM-6	Consent order letter 2/18/97

APP
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DOCUMENT NUMBER-DATE

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Greg A. Beliveau	GAB-1 GAB-2	Resume G r o v e l a n d Comprehensive Plan Public Facilities Element
	GAB-3	Joint Planning Interlocal Agreement Between Lake County a n d t h e Municipalities of Lake County

* The City of Groveland reserves the right to introduce other exhibits for the purposes of impeachment, rebuttal, or because the documents are newly discovered. Cross examination of witnesses and questions to witnesses by Commissioners may also render additional documents pertinent and admissible.

III. BASIC POSITION

The City of Groveland has the prior right to serve FWSC's proposed service area and can provide the area with both water and wastewater service in a timely and adequate manner. Extension of FWSC's certificate to include the proposed service area will constitute a duplication of existing utility services and is prohibited by §367.045(5)(a), Florida Statutes. Service by the City is both consistent with the City's Comprehensive Plan and the Joint Planning Area proposed by Lake County pursuant to Lake County's Comprehensive Plan. FWSC's application for extension in this docket should be denied.

IV. ISSUES

Issue 1: Is there a need for service in the territory proposed by Florida Water Services Corporation's application, and if so, when will service be required?

Position: Yes, there is a need for service in the area requested. The developer of the Palisades subdivision originally requested service to commence by July 1, 2000 however this date has been now been rescheduled to a later date. The Developer has not yet requested any construction permits from the County. (Mittauer)

Issue 2: Does Florida Water Services Corporation have the financial ability to serve the requested territory?

Position: Yes.

Issue 3: Does Florida Water Services Corporation have the technical ability to serve the requested territory?

Position: Yes.

Issue 4: Does Florida Water Services Corporation have the plant capacity to serve the requested territory?

Position: Florida Water Services Corporation (FWCS) has indicated that it will provide water from its Palisades water treatment plant permitted for 1.15 MGD. The City is unclear how much demand has been calculated as required for the Summit development at issue in this docket. Exhibit D of the application indicates that 135,000 gpd will be needed. Mr. Sweat's testimony indicates that 38,400 gpd will be needed. Using the higher figure of Exhibit D, when growth is taken into account, a new water supply well will be needed within three years to adequately supply both the existing and proposed development within the service territory. (Mittauer)

Issue 5: Is Florida Water Service Corporation's application consistent with the local comprehensive plan?

Position: No. Service by FWCS of the City of Groveland's utility service district established by Ordinance 99-05-07 is inconsistent with the City's Comprehensive Plan Intergovernmental Coordination Element 9J-5.015(3), Policy 7-1.8.1 and the proposed Joint Planning Area (JPA) for Lake County. (Beliveau)

Issue 6: Does the City of Groveland have the financial ability to serve the requested territory?

Position: Yes. (Yarborough)

Issue 7: Does the City of Groveland have the technical ability to serve the requested territory?

Position: Yes. (Yarborough, Mittauer)

Issue 8: Is the City of Groveland's proposal to serve the area consistent with the local comprehensive plan?

Position: Yes. The proposed service area falls completely within the Utilities Service District established by Ordinance 99-05-07 and is consistent with the City's own Comprehensive Plan as well as the Joint

Planning Area proposed for Lake County pursuant to Lake County's Comprehensive Plan. (Beliveau)

Issue 9: What is the landowner's service preference and what weight should the Commission give to the preference?

Position: The landowner requested service from FWCS in October of 1999 apparently unaware that the Summit development was located completely within the City's established Utilities Service District. It is established Florida case law that, where adequate and timely service is available as is this case, landowners cannot select their own utility service provider. Storey v. Mayo, 217 So.2d 304 (Fla. 1968). (Yarborough)

Issue 10: Will the extension of Florida Water Services Corporation territory in Lake County duplicate or compete with the City of Groveland's utility system.

Position: Yes. (Mittauer, Yarborough, Beliveau)

Issue 11A: If the granting of the territory which Florida Water Services Corporation seeks to add to its PSC certificate would result in an extension of a system which would be in competition with, or a duplication of, the City of Groveland's system or portion of its system, is the City of Groveland's system inadequate to meet the reasonable needs of the public or is the City unable, refusing or neglecting to provide reasonably adequate service to the proposed territory?

Position: No, the City of Groveland has both the technical and financial ability to provide adequate and timely water service to the Summit. Further, the City would also be able to provide centralized sewer services to the development. (Mittauer, Yarborough)

Issue 11B: Does the Commission have the statutory authority to grant an extension of service territory to Florida Water Service Corporation which will be in competition with, or a duplication of, the City of Groveland's system(s), unless factual findings are made that the City's system(s) or portion thereof is inadequate to meet the reasonable needs of

the public or that the City is unable, refuses, or has neglected to provide reasonably adequate service to the proposed service territory?

Position: No, §367.045(5)(a), Florida Statutes, prohibits the Commission from granting a certificate for modification of FWSC's certificate in this case. (Mittauer, Yarborough)

Issue 12: Is it in the public interest for Florida Water Services Corporation to be granted an amendment to Water Certificate No. 106-W for the territory proposed in its application?

Position: No. The City of Groveland has a prior right to provide water and sewer service to the Summit and the technical and financial ability to provide both water and sewer utility services to the development in a timely manner. Extension of FWSC's certificate in this case will duplicate the City's existing water services and is prohibited under §367.045(5)(a), Florida Statutes. (Yarborough, Mittauer, Beliveau)

V. STIPULATIONS

There have been no issues stipulated at this time.

VI. PENDING MOTIONS

The City of Groveland has no motions or other requests for action pending at this time.

VII. CONFIDENTIALITY REQUESTS

The City of Groveland has no pending requests for confidentiality at this time.

VIII. REQUIREMENTS

The City of Groveland knows of no requirement set forth in Order PSC-00-623-PCO-WU, or any subsequent procedural order issued in this docket which cannot be complied with at this time.

Respectfully submitted this 8th day of February, 2001 by:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing was furnished by Hand Delivery (*) or regular U.S. Mail to the following on this 8th day of February, 2001 :

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