

ORIGINAL

MEMORANDUM

July 21, 2003

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COMMISSION
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TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (FLEMING) *KEF*

RE: DOCKET NO. 021137-WU - APPLICATION FOR AMENDMENT OF CERTIFICATE NO. 106-W TO ADD TERRITORY IN LAKE COUNTY BY FLORIDA WATER SERVICES CORPORATION

Please place the attached letter, dated July 18, 2003, from Fred Morrison in the docket file.

DATE ORDER SENT ELECTRONICALLY TO CCA _____.

KEF

Attachment

cc: Division of Economic Regulation (Redemann, Daniel)

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McLin & Burnsed

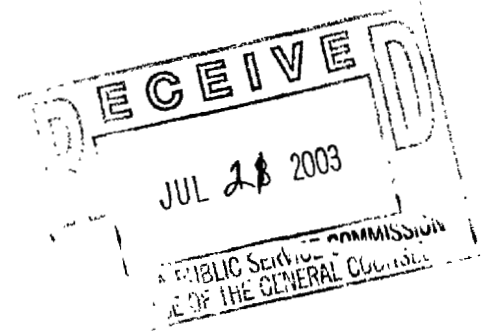
Professional Association

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July 18, 2003



Ms. Katherine E. Fleming
Office of the General Counsel
Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: Docket No. 021137-WU-Application for Amendment of Certificate No. 106-W to
Add Territory in Lake County by Florida Water Services Corporation**

Dear Ms. Fleming:

I am writing in response to your letter of July 14, 2003. After the telephone conference I requested certain information from Florida Water Services. A copy of my letter requesting that information is enclosed. Also enclosed is a copy of the partial response I received which indicated that additional information would be forthcoming directly from the utility. To date, no further information has been received.

Until the utility responds to my inquiry it is not possible for the city to evaluate whether to withdraw its challenge to the proposed expansion of the service area. Accordingly, the city has taken no action and will not do so until the information is provided.

Respectfully yours,

FRED A. MORRISON

FAM:pd
Enclosures
pc: J. Stephen Menton, Esquire (w/ enclosures)



April 29, 2003

Mr. Fred Morrison
McLin and Burnsed
1000 West Main Street
Leesburg, FL 34748

Re: Map of Water Service Territory for Silver Lakes/Western Shores

Dear Mr. Morrison:

At the request of Mr. Steven Menton, I am sending you a map of the Silver Lake Estates / Western Shores water service territory in Lake County that Florida Water Services currently serves.

If you have any questions, please call me at (407) 598-4273.

Sincerely yours,

A handwritten signature in cursive script that reads "Mervin Moothart".

Mervin Moothart
Rate Analyst



McLin & Burnsed

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Christopher V. Carlyle,
Of Counsel

April 10, 2003

J. Stephen Menton, Esquire
Rutledge, Ecenia, Purnell & Hoffman, P.A.
Post Office Box 551
Tallahassee, FL 32302-0551

Re: **City of Leesburg Challenge to Florida Water Services Application**

Dear Mr. Menton:

As discussed during the telephone conference held on April 8, the City of Leesburg is considering its position with regard to the proposed expansion of the Florida Water Services area near Leesburg. In order to assist the city in evaluating its position in connection with pending application, it would be helpful to receive certain information from Florida Water Services, consisting of the following:

1. The existing and proposed water service area which Florida Water plans for this particular system. This will assist the city in determining to what extent the expansion of its own lines may be impeded or rendered unwise by the existence of current Florida Water Service territory or planned expansion of that territory.
2. The additional capacity, if any, of the current Florida Water system for this area, to serve additional developments beyond those it already serves plus the one now in contention. The thought here is that if Florida Water's system is pretty well built out by the addition of this one development, with little likelihood of future expansion, it may make no sense for the City of Leesburg to continue this particular challenge, whereas if Florida Water has plans to expand its area considerably to utilize excess system capacity then the city may wish to continue its challenge.
3. Following the conclusion of the telephone conference, Ms. Littell and I continued the discussion and were puzzled by one aspect of this case. A brief answer to our question might assist the city in determining its own position. This case represents an application by Florida Water to expand its service area. However, it appears the main water line to which this developer is going to connect was already in place. If the development is outside Florida Water's service area, how did the line get where it is and for what purpose was it installed? We speculated on a number of plausible explanations but would prefer to know the true answer. Please do not interpret the question as implying any impropriety on the part of Florida Water in constructing the line. Its presence simply suggested the question and we do recognize that there are any number of perfectly logical explanations for the presence of the line.

J. Stephen Menton, Esquire

April 10, 2003

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To the extent Florida Water is willing to provide this information it would be most helpful to the city in its own deliberations. I do not believe any sort of formal response is necessary, just some maps and a letter of explanation where appropriate. As I outlined to you, the meeting schedule of the city commission contemplates that this will probably be considered on April 28 so if you could get the information to me as soon as possible it would assist the city staff in formulating its recommendation to the city commission for that meeting. Thank you for whatever assistance you are able to provide and if you would like to call me to discuss the request or any other aspect of the case please feel free to do so at any time.

Yours truly,



FRED A. MORRISON

FAM:pd

pc: Susanna Littell
Ron Stock