

# Hopping Green & Sams

Attorneys and Counselors

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(850) 425-2313

September 29, 2003

## BY HAND DELIVERY

Blanca Bayó  
Director, Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 000694-WU  
Water Management Services, Inc.

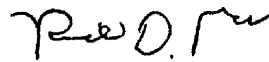
Dear Ms. Bayó:

Enclosed for filing on behalf of Water Management Services, Inc. are the original and fifteen copies of its Petition on Proposed Agency Action.

By copy of this letter, this document has been furnished to the parties on the attached certificate of service.

Please stamp and return the enclosed extra copy of this filing. If you have any questions regarding this filing, please give me a call at 425-2313.

Very truly yours,



Richard D. Melson

RDM/jlm  
Enclosures  
cc: Certificate of Service

DOCUMENT NUMBER DATE

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Post Office Box 6526 Tallahassee, Florida 32314 123 South Callhoun Street (32301) 850.222.7500 850.224.8551 fax www.hgslaw.com

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition of Water )  
Management Services, Inc. for a ) Docket No. 000694-WU  
Limited Proceeding to Increase )  
Water Rates in Franklin County ) Filed: September 29, 2003  
\_\_\_\_\_ )

**WMSI'S PETITION ON PROPOSED AGENCY ACTION**

Water Management Services, Inc. (WMSI), pursuant to Section 120.57, Florida Statutes, and Rules 25-22.029 and 28-106.201, Florida Administrative Code, files this petition on proposed agency action to protest a portion of the Florida Public Service Commission's (Commission's) Order No. PSC-03-1005-PAA-WU (PAA Order), issued September 8, 2003. In support of this protest, WMSI states:

1. The name and address of the agency affected and the agency's file number are:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Docket No. 000694-WU

2. The name and address of petitioner is:

Water Management Services, Inc.  
3848 Killearn Court  
Tallahassee, FL 32308-3428  
(850) 668-6103

3. The name and address of WMSI's representative to receive notices and pleadings

in this docket is:

Richard D. Melson  
Hopping Green & Sams  
P.O. Box 6526  
Tallahassee, FL 32314  
(850) 222-7500

4. WMSI learned of the PAA Order on or about September 8, 2003, by inspection of the Commission's web site.

5. WMSI understands that the Office of Public Counsel (OPC) is today filing a protest of the PAA Order insofar as that order determined the prudence of WMSI's plan to remove an existing 150,000 gallon elevated storage tank in connection with the construction of a new 200,000 gallon elevated storage tank at the existing tank site.

6. WMSI is engaged in settlement discussions with the Office of Public Counsel and is optimistic that OPC's protest will be resolved without the necessity for a hearing.

7. Nevertheless, to protect WMSI's rights in the event that the matter is not settled, and requires a formal hearing, WMSI protests that portion of the PAA Order awarding \$41,746 in rate case expense for this limited proceeding.

8. The disputed issue of material fact raised by this petition is the appropriate amount of rate case expense to be awarded in the event that a formal hearing is required in this docket.

9. The ultimate facts alleged are:

- (a) the rate case expense allowance of \$41,746 in the PAA Order did not include the cost of a formal hearing;
- (b) WMSI will be required to expend additional sums for consultants, legal services, customer notices, and other items in the event this matter goes to hearing;
- (c) WMSI is legally entitled to recover its prudently incurred rate case expense;

- (d) the amount of additional rate case expense cannot reasonably be estimated at this time; and
- (e) at any formal hearing in this matter, WMSI will offer evidence of the amount of additional rate case expense incurred as a result of OPC's protest.


10. In the event that WMSI and OPC are able to settle the issue raised by OPC in a manner that results in the withdrawal of OPC's protest and avoids a formal hearing, WMSI intends to withdraw this rate case expense protest.

11. WMSI requests that the Commission take no action at this time to schedule either protest for a formal hearing in order to give the parties the opportunity to continue their settlement negotiations. WMSI will report to the Commission staff within 30 days on the status of the settlement effort.

WHEREFORE, WMSI requests that its issue regarding rate case expense be included in any hearing held on OPC's protest regarding the prudence of WMSI's plans related to elevated storage. WMSI further requests that the Commission take no action at this time to schedule these protests for formal hearing in order to give the parties an opportunity to continue their settlement negotiations.

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of September, 2003.

HOPPING GREEN & SAMS

By:   
Richard D. Melson  
Hopping Green & Sams  
P.O. Box 6526  
Tallahassee, FL 32314

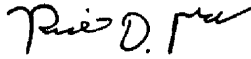
Attorneys for Water Management Services, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail or hand delivery (\*) to the following this 29<sup>th</sup> day of September, 2003:

Adrienne Vining \*  
Staff Attorney  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370  
Tallahassee, FL 32399-0850

Stephen C. Reilly  
Associate Public Counsel  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400



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Attorney