

ORIGINAL

JAMES E. "JIM" KING, JR.

PRESIDENT



Charles J. Beck  
Interim  
Public Counsel

STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE  
111 WEST MADISON ST.  
ROOM 812  
TALLAHASSEE, FLORIDA 32399-1400  
850-488-9330

JOHNNIE BYRD

SPEAKER



October 30, 2003

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

RECEIVED FPSC  
13 OCT 30 PM 3:14  
COMMISSION  
CLERK

RE: Docket No. 030102-WS

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Objection to Two Applications Filed by Lake Placid Utilities, Inc. for Authority to Transfer Utility Facilities and to Transfer Majority Organizational Control for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Sincerely,

Stephen C. Burgess  
Deputy Public Counsel

SCB/dsb  
Enclosures

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM 3 \_\_\_\_\_  
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DOCUMENT NUMBER-DATE

10755 OCT 30 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Authority to Sell,  
Assign or Transfer Utility Facilities of  
THE WOODLANDS OF LAKE PLACID,  
L.P. in Highlands County, Florida to  
CAMP FLORIDA PROPERTY OWNERS  
ASSOCIATION, INC., and Application to  
Transfer Majority Organizational Control  
of L.P. Utilities Corporation to CAMP  
FLORIDA PROPERTY OWNERS  
ASSOCIATION, INC.

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DOCKET NO.: 030102-WS

FILED: October 30, 2003

**OBJECTION TO APPLICATIONS FILED BY  
LAKE PLACID UTILITIES, INC. FOR AUTHORITY TO  
TRANSFER UTILITY FACILITIES AND TO TRANSFER  
MAJORITY ORGANIZATIONAL CONTROL**

The Citizens of the State of Florida, through their attorney, the Public Counsel, pursuant to Section 367.071, Florida Statutes, and Rule 28-106.204, Florida Administrative Code, hereby object to L.P. Utilities Corporation's ("LPUC") applications to transfer utility facilities and to transfer majority organizational control. As grounds, the Citizens submit:

1. On September 22, 2003, the Commission issued Order No. PSC-03-1053-PAA-WS, denying LPUC authority to transfer Water Certificate No. 620-W and Wastewater Certificate No. 533-S from the Woodlands of Lake Placid, L.P. ("Woodlands"). Among other reasons, the Commission denied the transfer because the "new" ownership refused to assume refund obligations incurred by the Woodlands. The Commission ordered L.P. Utilities to file another application for transfer and to agree to accept all regulatory obligations of the Woodlands. On October 20, LPUC filed a second request for authority to transfer the certificates, presumed in response to the PSC order.

DOCUMENT NUMBER-PAGE

10755 OCT 30 8

FPSC-COMMISSION CLERK

2. There are ambiguities in LPUC's latest filing that render it difficult to interpret.

Paragraph 16 states:

The purchase price was reduced from the rate base established in Order No. PSC-03-1051-FOF-WS by \$89,086.00 to reflect LPUC's assumption of the obligation to pay a refund to customers pursuant to Order No. PSC-03-1051-FOF-WS.

Paragraph 22 states:

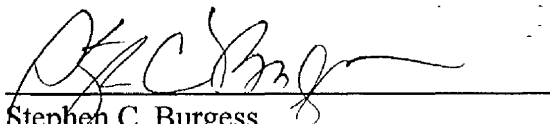
The approval of this Application is in the public interest because it will enable LPUC to pay the refunds pursuant to Order No. PSC-03-1051-FOF-WS, and continue in operation.

One interpretation of these combined paragraphs is that LPUC would effect the refund following the transfer. If that is the proper interpretation, the Citizens are concerned that LPUC would not have liquid assets necessary to afford the refund. Normally, a refund obligation results when a utility has collected excessive revenues over a period of time. As a result, the utility has a surfeit of cash when the refund is required. In this case, however, LPUC refused to collect any money at all from the rental property owner (the majority of lots) during the entire time that it was overcollecting from private property owners. During that time, LPUC was nevertheless incurring the costs to provide service to the rental properties. As a result, LPUC's cash position was eroding even while it was overcollecting from certain of its customers. At this point, then, there is no reason to expect LPUC has internal resources to meet its refund obligation. If LPUC is unable to meet its refund obligation, this result would be contrary to the public interest.

3. LPUC also seeks to have Camp Florida purchase wastewater facilities from Anbeth Corporation for \$191,523. LPUC then anticipates that "the wastewater system will become exempt

WHEREFORE, the Citizens of the State of Florida object to LPUC's applications and urge the Commission to deny both applications.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen C. Burgess", is written over a horizontal line.

Stephen C. Burgess  
Deputy Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

(850) 488-9330


Attorneys for the Citizens of the  
State of Florida

**CERTIFICATE OF SERVICE  
DOCKET NO. 030102-WS**

I HEREBY CERTIFY that a true and exact copy of the above and foregoing OBJECTION TO TWO APPLICATIONS FILED BY LAKE PLACID UTILITIES, INC. FOR AUTHORITY TO TRANSFER UTILITY FACILITIES AND TO TRANSFER MAJORITY ORGANIZATIONAL CONTROL has been furnished by hand delivery or U.S. Mail to the following parties of record this 30th day of October, 2003.

Katherine Fleming, Esquire\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Martin S. Friedman, Esquire  
Rose, Sundstrom & Bentley, LLP  
600 S. North Lake Boulevard, Suite 160  
Altamonte Springs, FL 32701

  
\_\_\_\_\_  
Stephen C. Burgess  
Deputy Public Counsel