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January 9, 2004

Blanca S. Bayo, Director  
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Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

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COMMISSION  
CLERK

Re: Investigation Into Proposed Sale of Florida Water Services Corporation  
Docket No. 021066-WS

Dear Public Service Commission Agency Clerk:

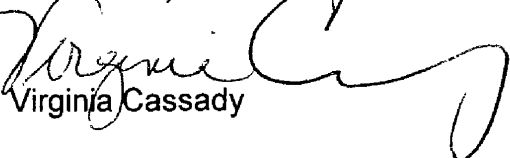
Please find enclosed the City of Palm Coast's Withdrawal of its Response And Objection To Florida Water Services Corporation's Notice of Cancellation of Contract and Suggestion of Mootness.

We will appreciate your office and the Commission taking appropriate action relative to this Response.

Please feel free to call with questions and to let me know if I can be of assistance in this matter or in any other way. Thank you for your attention to this matter.

Sincerely,

STENSTROM, McINTOSH, COLBERT,  
WHIGHAM, REISCHMANN & PARTLOW, P.A.

  
Virginia Cassady

cc: Richard Kelton, City Manager  
Richard Adams, Utilities Director  
William L. Colbert, Esquire, City Attorney  
Lonnie N. Groot, Esquire

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OTH \_\_\_\_\_

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FPSC-COMMISSION CL FRK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into proposed sale of Florida Water Services Corporation to Florida Water Services Authority } Docket No.: 021066-WS

THE CITY OF PALM COAST'S WITHDRAWAL OF ITS RESPONSE AND OBJECTION TO FLORIDA WATER SERVICES CORPORATION'S NOTICE OF CANCELLATION OF CONTRACT AND SUGGESTION OF MOOTNESS

The City of Palm Coast ("Palm Coast"), by and through its undersigned counsel hereby files and serves this Withdrawal Of Its Response And Objection To Florida Water Services Corporation's Notice of Cancellation of Contract And Suggestion of Mootness, which Palm Coast filed with the Commission on May 22, 2003. Palm Coast states as follows:

1. The Asset Purchase Agreement entered into between Florida Water Services Corporation and Florida Water Services Authority, executed on September 19, 2002, has been canceled and rendered null and void. Palm Coast subsequently entered into an Asset Acquisition Agreement with Florida Water Services Corporation, and on October 31, 2003, Palm Coast acquired the water and wastewater utility system located in Palm Coast from Florida Water Services Corporation.

WHEREFORE, for the reasons set forth above, Palm Coast respectfully requests that the Commission:

- A. Issue an Order concluding that the application submitted in this matter is moot;
B. Close the docket in this matter.

Dated this 9<sup>th</sup> day of January, 2004.

Respectfully submitted,



VIRGINIA CASSADY, ESQUIRE

Florida Bar No.: 0500372

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Attorney for City of Palm Coast.

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail delivery on this 9<sup>th</sup> day of January, 2004 to the following:

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