

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED - FPSC

05 DEC 22 AM 11:40

In Re: Application of Sun Communities)
 Finance LLC d/b/a Water Oak Utility)
 for Reuse Project Plan and Increase) Docket No. 010087-WS
 in Wastewater Rates.) Docket No. 990243-WS
 _____)

COMMISSION CLERK

MOTION TO MODIFY ORDER AND CLOSE DOCKET

Comes now, Sun Communities Finance, LLC d/b/a Water Oak Utility (hereinafter "Utility" or "Water Oak"), and files this Motion to Modify the requirements of Order No. PSC-00-1165-PAA-WS, issued in Docket No. 990243-WS and Order No. PSC-03-0416-PAA-WS, issued in Docket No. 010087-WS and in support thereof states as follows:

1. By Order No. PSC-00-1165-PAA-WS, issued on June 27, 2000 in Docket No. 990243-WS, the Florida Public Service Commission ("Commission" or "PSC") ordered Water Oak to file a Reuse Project Plan in order to recognize the cost of the reuse project that the Utility contended it must undertake in order to comply with

CMP _____ environmental regulatory requirements to upgrade its wastewater
 COM _____
 CTR _____ treatment facilities, and to avoid potential overearnings by
 ECR _____ devoting excess revenues calculated in that Order to such Reuse
 GCL _____
 OPC _____ Project Plan as CIAC.

RCA _____ 2. Because of numerous circumstances that have arisen since
 SCR _____ the issuance of Order No. PSC-00-1165-PAA-WS, the Utility has
 SGA _____

SEC _____
 OTH Kimf.

ok 12/21/03 kmp

RECEIVED & FILED

Oh

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11828 DEC 22 '03

FPSC-COMMISSION CLERK

requested delays in the implementation of that Reuse Project Plan and has kept the staff informed of those delays and the reasons therefor.

3. In March of 2003 by Order No. PSC-03-0416-PAA-WS, the Commission recognized that the Utility was not experiencing overearnings in its wastewater system and as such, released the obligation of the Utility to continue to escrow monies toward the Reuse Project Plan.

4. In accordance with the requirements of Order No. 03-0416-PAA-WS, the Utility has booked to CIAC all of the overearnings agreed to by the Commission in Order No. 03-0416-PAA-WS as CIAC for its wastewater system.

5. Upon further investigation and after discussion between the Utility, its lawyers and engineers and issuance of a new Water Use Permit from the St. Johns River Water Management District, the Utility has determined that the requirement for implementation of a reuse system is not eminent and therefore, the Utility has decided to delay implementation of that expensive project until it is determined that such reuse project must be implemented immediately.

6. Given the Commission's previous determinations in Order No. PSC-03-0416-PAA-WS that the Utility is not in an overearnings position, and that no additional funds are being

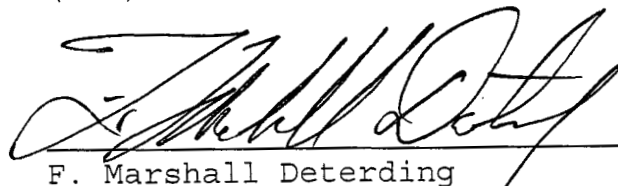
escrowed to apply toward that reuse project, there is no reason for the Commission to continue to assert a requirement that the Utility file a Reuse Project Plan.

7. Given that the Utility does not wish to implement the Reuse Project Plan until required to do so by environmental regulatory authorities because of the substantial cost and rate impact on its customers, Water Oak wishes to wait until the implementation of that project is eminent before moving forward with the filing of the Reuse Project Plan at the Public Service Commission.

WHEREFORE, Sun Communities Finance, LLC d/b/a Water Oak Utility requests that the Florida Public Service Commission issue its Order modifying the requirements of Order Nos. PSC-00-1165-PAA-WS and PSC-03-0416-PAA-WS to no longer require the filing of a Reuse Project Plan by the Utility and to close Docket Nos. 990243-WS and 010087-WS.

Respectfully submitted this
22nd day of December, 2005, by:

ROSE, SUNDSTROM & BENTLEY
2548 Blairstone Pines Drive
Tallahassee, Florida 32301
(850) 877-6555


F. Marshall Deterding