

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO.: 040384-WS

IN RE: Application of
SANLANDO UTILITIES
CORPORATION for amendment
of water and wastewater certificates
in Seminole County, Florida.

CITY OF LONGWOOD'S PRE-HEARING STATEMENT

Pursuant to Order No. PSC-05-1001-PCO-WS issued on October 17, 2005, the City of Longwood files the following Pre-Hearing Statement:

(a) All Known Witnesses

Richard Kornbluh, City of Longwood's Utilities Division Manager, will testify as to the City of Longwood's Contract with Sanlando Utilities Corporation to assume the responsibility of sewer and water service in the four (4) subdivisions which are in the City limits of the City of Longwood and are presently being provided utility service pursuant to said Contract by Sanlando Utilities Corporation.

Richard Kornbluh will also testify as to the City of Longwood exercising its option to assume the utility services and the City of Longwood's present ability to do so.

Thomas Jensen will testify as to the two (2) studies that his company, Reese Macon & Associates, Inc., did concerning the feasibility of the City of Longwood assuming the responsibility of performing the Utility services in three (3) of the four (4) subdivisions. His testimony will include the infrastructural additions and upgrades necessary to assume service and the cost thereof.

(b) All Known Exhibits

RK-1, RK-2, RK-3, RK-4, RK-5, RK-6, RK-7 and RK-8 to the pre-filed testimony of Richard Kornbluh.

TJ-1 and TJ-2 to the pre-filed testimony of Thomas Jensen.

DOCUMENT NUMBER-DATE

01378 FEB 17 08

FPSC-COMMISSION CLERK

All documents relating to the City of Longwood's capacity to provide service.

All documents reflecting the City of Longwood permitting to provide water service.

The Contract between the City of Longwood and Seminole County to provide sewer service.

All documents provided in discovery by the City of Longwood from Sanlando Utilities Corporation.

All documents or exhibits listed by Sanlando Utilities Corporation.

(c) City of Longwood Statement of basic position in the proceeding.

- (1) The City of Longwood has a binding contract with the Applicant Sanlando Utilities Corporation to assume the service of sewer and water in the four (4) subdivisions which is in the area of Sanlando's application to expand its territory.
- (2) The City of Longwood has duly exercised its option, pursuant to the Contract, to assume the service of utilities to the subject area.
- (3) That the City of Longwood has the present ability to serve the subject area.
- (4) That Sanlando Utilities Corporation has been servicing the subject area without the permission of the Public Service Commission and in violation of Florida Statutes.
- (5) That the best interest of the public will be served by denying the application as the City of Longwood is better able to provide service, upgrade aging infrastructures and provide comparable rates that are presently being charged by Sanlando and a conservation rate which will insure that future generations will have the availability of water and sewer services.
- (6) That the Public Service Commission should deny Sanlando Utilities Corporation's application as it relates to the four (4) subdivisions that are in the City limits of the City of Longwood.

- (d) Statement of questions of fact the City of Longwood considers at issue, the City of Longwood's position on each issue, and the witness that will address each issue.

ISSUE 1: Whether the City of Longwood entered into a Contract with Sanlando Utilities Corporation and the developers of the four (4) subdivisions for Sanlando to provide sewer and water service to the four (4) subdivisions until the City of Longwood was ready and willing to assume the duty?

POSITION: Yes. The City of Longwood did enter into the Contract with Sanlando and exercised its option to assume the service of utilities in the subdivisions.

Richard Kornbluh will testify as to these and related facts.

ISSUE 2: Does the City of Longwood have the present ability to provide both water and wastewater service to the uncertificated territory?

POSITION: Yes.

Richard Kornbluh and Thomas Jensen will both testify as to the City of Longwood's present ability to provide water and wastewater service in the presently uncertificated territory.

ISSUE 3: Is there a need for service in the area which Sanlando seeks to add to its certificated territory?

POSITION: Yes. While Sanlando presently serves this area there is an ongoing need for service which the City of Longwood can provide. Richard Kornbluh and Thomas Jensen will testify as to this fact.

ISSUE 4: Will the granting of the application to Sanlando to serve the uncertificated area compete with another utility?

POSITION: Yes. The City of Longwood has service in the area and has the contractual and legal right to serve the subject area.

ISSUE 5: Are there services from other sources within the geographical proximity to the area that Sanlando seeks to add to its certificated territory?

POSITION: Yes, the City of Longwood has service available directly adjacent to the

subject territory.

Richard Kornbluh to testify as to this.

ISSUE 6: Does the City of Longwood have the financial and technical ability to provide service in the subject area?

POSITION: Yes.

Richard Kornbluh to testify as to this.

ISSUE 7: Does the City of Longwood presently have the permitted capacity to serve water to the subject area?

POSITION: Yes.

Richard Kornbluh to testify as to this.

ISSUE 8: Does the City of Longwood have the present capacity to provide wastewater service to the subject area?

POSITION: Yes. The City of Longwood has more than the required capacity through its Contract with Seminole County.

Richard Kornbluh to testify as to this.

ISSUE 9: Will the City of Longwood have to build any new water or wastewater facilities to serve the subject area?

POSITION: No, the City of Longwood presently has the necessary capacity for both water and wastewater. Only connections to the existing lines must be installed.

Richard Kornbluh to testify as to this.

ISSUE 10: How does the City of Longwood plan on financing the construction of the connection to the existing infrastructure?

POSITION: The City of Longwood will pay for the connection through its wastewater fund and future income from the utility fund.

Richard Kornbluh to testify as to this.

ISSUE 11: Is it in the public's interest for the City of Longwood to serve the areas for which Sanlando is seeking to extend its certificate?

POSITION: Yes. The customers are presently residents of the City of Longwood and already receiving other services such as police and fire protection. The overall rate structure will be very comparable. Further, the City of Longwood has a conservation rate which will insure that future generations have quality water for their consumption. Sanlando does not utilize a conservation rate.

Richard Kornbluh to testify as to this.

(e) The questions of law the City of Longwood considers at issue and their position on each are as follows:

ISSUE 1: Whether the Contracts to assume the sewer and water service between the City of Longwood, the developers and Sanlando are legally binding?

POSITION: Yes.

ISSUE 2: Whether the applicant, Sanlando Utilities Corporation has violated and is in violation of Florida Statute 367.045(2) by serving the uncertificated area which is the subject of the application?

POSITION: Yes.

(f) The City of Longwood policy questions at issue.

POSITION: None.

(g) Issues stipulated to by the parties.

ISSUE 1: That the service area is covered by the City of Longwood Comprehensive Plan.

(h) **Pending Motions:**

The City of Longwood's pending Motion for Continuance. Although the City of Longwood is not aware of an Order on said Motion, the docket appears to have

continued the hearing date from February 27, 2006 to June 5, 2006.

(i) Pending requests for claims for confidentiality.

None known.

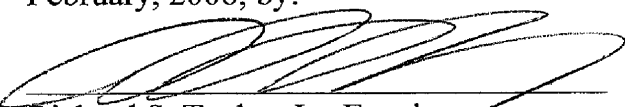
(j) Requirements that cannot be complied with.

None other than the amendments derived from additional discovery by the parties.

(k) Objections to witnesses or an expert.

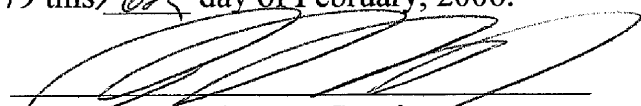
None. The applicant has not listed any expert witnesses.

Respectfully submitted on this 16th day of
February, 2006, by:



Richard S. Taylor, Jr., Esquire
Florida Bar No.: 221686
531 Dog Track Road
Post Office Box 1117
Longwood, Florida 32752-1117
Telephone: (407) 339-7888
Attorney for City of Longwood

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and FAX delivery to: Jennifer Brubaker, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 and Valerie L. Lord, Esquire, Rose, Sundstrom & Bentley, LLP, Sanlando Center, 2180 West State Road 434, Suite 2118, Longwood, FL 32779 this 16th day of February, 2006.



Richard S. Taylor, Jr., Esquire
Florida Bar No.: 221686
531 Dog Track Road
Post Office Box 1117
Longwood, Florida 32752-1117
Telephone: (407) 339-7888
Attorney for City of Longwood