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REPLY TO CENTRAL FLORIDA OFFICE

May 31, 2006

MARTIN S. FRIEDMAN, P.A.  
VALERIE L. LORD  
BRIAN J. STREET

Ms. Blanca Bayo  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

HAND DELIVERY

RECEIVED-FPSC  
05 MAY 31 AM 10:12  
COMMISSION CLERK

Re: Docket No. 060276-WS; Application of Mariposa Utility Company, LLC, for original Water and Wastewater Certificates in Putnam County, Florida  
Our File No.: 40081.01

Dear Ms. Bayo:

Enclosed for filing are the original and one (1) copy of Mariposa Utility Company, LLC's Motion for Temporary Rule Waiver.

Should you have any questions regarding this filing, please give me a call.

Very truly yours,

VALERIE L. LORD  
MARTIN S. FRIEDMAN  
For the Firm

- CMP \_\_\_\_\_
  - COM \_\_\_\_\_
  - CTR \_\_\_\_\_
  - ECR \_\_\_\_\_
  - GCL \_\_\_\_\_
  - OPC \_\_\_\_\_
  - RCA \_\_\_\_\_
  - SCR \_\_\_\_\_
  - EGA \_\_\_\_\_
  - SEC 1
  - OTH Kum P.
- MSF/mp  
Enclosures

cc: Mr. Garrett Bender (w/enclosure)  
James F. Thompson, P.E. (w/enclosure)  
Joint Administrative Procedures Committee (w/enclosure)  
Katherine Fleming, Esquire, Office of the General Counsel (w/enclosure)  
Sidney F. Ansbacher, Esquire (w/enclosure)  
Russell D. Castleberry, Esquire (w/enclosure)  
Robin H. Upchurch, Esquire (w/enclosure)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of MARIPOSA  
UTILITY COMPANY, LLC for original  
water and wastewater Certificates in  
Putnam County, Florida

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DOCKET NO.: 060276-WS

MARIPOSA UTILITY COMPANY, LLC'S  
MOTION FOR TEMPORARY RULE WAIVER

Mariposa Utility Company, LLC ("Utility"), by and through its undersigned attorneys and pursuant to Section 120.542, Florida Statutes, moves this Commission for a temporary waiver of certain Rule requirements, and in support thereof, states:

1. As set forth in its Application, the Utility has requested that the Commission bifurcate the rate making and certification functions so that the Utility may obtain its certificates expeditiously in order to proceed with its water use permitting and wastewater treatment plant permitting.

2. On March 23, 2006, the Utility filed a Motion for Temporary Rule Waiver with respect to the following Rules ("First Motion"):

25-30.033 (1) (k) - The original and two copies of tariffs.

25-30.033 (1) (m) - System Map showing proposed lines and facilities.

25-30.033 (1) (r) - A detailed financial statement.

25-30.033 (1) (t) - A cost study supporting proposed rates and changes.

25-30.033 (1) (u) - A schedule showing the projected cost of the systems.

25-30.033 (1) (v) - A schedule showing projected operating expenses.

25-30.033 (1) (w) - A schedule showing the projected capital structure.

DOCUMENT NUMBER-DATE

04696 MAY 31 08

FPSC-COMMISSION CLERK

3. The First Motion is pending before this Commission.

4. In addition and for the same purpose as set forth in the First Motion, the Utility requests a temporary waiver from the requirements of Rule 25-30.033(1)(j), requiring proof of ownership of the land on which the Utility's treatment facilities are or will be located.

5. The information required by the foregoing Rule will be filed by the Utility sufficiently in advance of providing service to allow the Commission time for evaluation.

6. This Commission has recently granted a Rule Waiver under virtually identical circumstances. See, In re: Application for Certificates to provide water and wastewater service in Sumter County by Central Sumter Utility Company, L.L.C., Order No. PSC-05-0844-PAA-WS (August 18, 2005).

7. As this Commission recognized in that Order, the Utility faces a conundrum by virtue of Section 367.031, Florida Statutes, because it cannot procure a water use permit or wastewater treatment plant permit until it procures a certificate from the Commission. A temporary waiver of this Rule is necessary because the Utility will not be able to determine how much land it needs for its treatment facilities until certain threshold issues are determined. First, the Utility's wells must be tested. These well tests will be completed in three months. The results of these tests will determine the type and size of the water treatment equipment selected. The water treatment equipment selected will, in turn, determine the type and size of the wastewater treatment equipment selected. Once the treatment facilities are selected and sized, the Utility may complete its application for the necessary permits. Thereafter, when the applicable setback requirements are determined,

the Utility will be able to determine how much land it requires for its treatment facilities. It is only when the dimensions of the land required are determined and surveyed that the appropriate deed can be drafted and executed by the landowner.

WHEREFORE, Mariposa Utility Company, LLC, requests this Commission enter an Order temporarily waiving the requirements of Rule 25-30.033 (1)(j).

Respectfully submitted on this 30<sup>th</sup> day of May, 2006, by:

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BY: 

MARTIN S. FRIEDMAN, ESQ.  
VALERIE L. LORD, ESQ.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Temporary Rule Waiver has been furnished to the following by U.S. Mail on this 30<sup>th</sup> day of May, 2006:

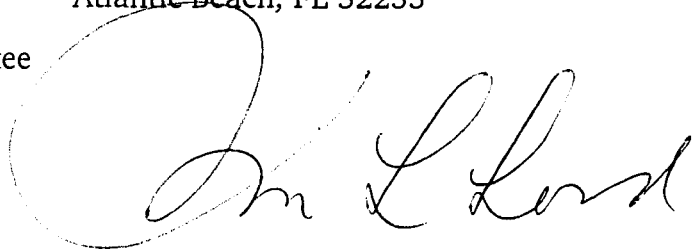
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