

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of
ALAFAYA UTILITIES, INC.
for amendment to Wastewater
Certificate No. 379-S in Seminole
County, Florida

Docket No. 060400-SU

MOTION TO DISMISS OBJECTION TO ALAFAYA UTILITIES, INC.'S APPLICATION FOR
AMENDMENT TO WASTEWATER CERTIFICATE NO. 379-S

ALAFAYA UTILITIES, INC. (*Utility*), by and through its undersigned attorneys, requests that the Florida Public Service Commission (*Commission*), dismiss the objection of BANC OF AMERICA STRATEGIC SOLUTIONS, INC. (*BOA*) to the Utility's Application for Amendment to Wastewater Certificate No. 379-S, and in support shows:

1. BOA filed its objection with this Commission on June 23, 2006, alleging, among other matters, that the Utility had breached its agreement with The Anden Group of Florida (*Anden*), the former owner of the Twin Rivers golf course by "failing and refusing to provide effluent to BOA". BOA is the successor-in-interest of The Anden Group.

2. Pursuant to the agreement with Anden, the Utility has the right to release treated effluent from the Utility's wastewater plant on the golf course and to discharge treated effluent into Anden's irrigation facilities for a term of 60 years. The Utility is not obligated to provide effluent in any quantities.

2. BOA's interests in this proceeding are not affected because (a) the agreement with Anden did not require the Utility to provide effluent; (b) the customers in the proposed territory will not receive effluent from the Utility's wastewater facility for irrigation

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purposes for many years; and (c) the customers in the proposed territory will actually increase the available supply of treated effluent for irrigation purposes.

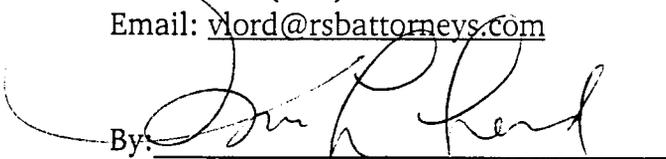
3. Therefore, even if the Utility had any obligation to supply treated effluent to the golf course (and it is not admitted that it does), the interests of BOA will not be substantially affected by a decision by the Commission to approve the extension of the Utility's certificated wastewater territory to include the proposed area.

4. In addition, the Utility proposes to construct a 1 million gallon storage tank to increase its storage capacity of treated effluent, and drill a well to provide an additional source of non-potable water, for irrigation purposes.

WHEREFORE, Alafaya Utilities, Inc. respectfully requests that this Commission dismiss the objection of Banc of America Strategic Solutions, Inc, as its interests will not be substantially affected by this proceeding.

Respectfully submitted on this 29th day
of June, 2006.

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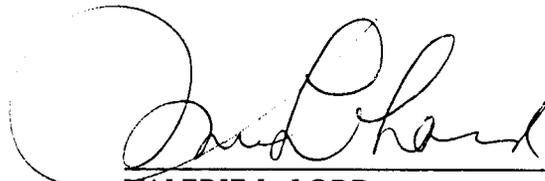
VALERIE L. LORD

CERTIFICATE OF SERVICE
DOCKET NO. 060400-SU

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Dismiss the objection of Banc of America Strategic Solutions, Inc. to the Utility's Application for Amendment to Wastewater Certificate No. 379-S has been furnished by U.S. Mail to the following parties on this 21st day of June, 2006:

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