

ORIGINAL

Matilda Sanders

From: MAHARAJ-LUCAS.ASHA [MAHARAJLUCAS.ASHA@leg.state.fl.us]
 Sent: Wednesday, February 21, 2007 3:09 PM
 To: Filings@psc.state.fl.us
 Cc: REILLY.STEVE
 Subject: 0060261-WS
 Attachments: 060261 petition on proposed.doc

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Electronic Filing

a. Person responsible for this electronic filing:

Stephen C. Reilly, Associate Public Counsel
 Office of Public Counsel
 c/o The Florida Legislature
 111 West Madison Street, Room 812
 Tallahassee, FL 32399-1400
 (850) 488-9330
 Reilly.steve@leg.state.fl.us

b. Docket No. 060261-WS

In re: Application for increase in water and wastewater rates in Lake County by Utilities, Inc of Pennbrooke.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 5 pages.

e. The document attached for electronic filing is a Petition on Proposed Agency Action.

(See attached file: 060261 petition on proposed.doc)

Thank you for your attention and cooperation to this request.

Asha Maharaj-Lucas
 Secretary to Steve Reilly, Associate Public Counsel.
 Office of Public Counsel
 Telephone: (850) 488-9330
 Fax: (850) 488-4491

DOCUMENT NUMBER-DATE

01692 FEB 21 8

FPSC-COMMISSION CLERK

2/21/2007

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and
wastewater rates in Lake County by
Utilities, Inc. of Pennbrooke.

Docket No. 060261-WS
Filed: February 21, 2007

PETITION ON PROPOSED AGENCY ACTION

The Citizens of the State of Florida ("Citizens") by and through their undersigned attorney, pursuant to Section 120.57, Florida Statutes, and Rules 25-22.029 and 28-106.201, Florida Administrative Code, file this objection to the Florida Public Service Commission's ("Commission") Order No. PSC-07-0088-PAA-WS ("Order"), issued January 31, 2007, and state:

1. The name and address of the agency affected and the agency's file number:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Docket No. 060261-WS

2. The Citizens include customers of Utilities, Inc. of Pennbrooke ("Utilities, Inc.", "Utility", or "Company") whose substantial interests will be affected by the Order because the Order authorizes the Utility to increase the rates and charges it imposes upon its customers.

3. Pursuant to Section 350.0611, Florida Statutes, the Citizens' who file this petition are represented by the Office of Public Counsel ("Citizens", "Petitioner" or "OPC") with the following address and telephone number: Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, telephone No. (850) 488-9330.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

4. The Citizens received a copy of the Order by inter-office courier on February 7, 2007.

5. At this time the ultimate facts alleged, including the specific facts which the Petitioner contends warrants reversal or modification of the agency's proposed action are as follows:

Rate Base

- a. Water Treatment Plant used and useful is overstated.
- b. Wastewater Treatment Plant used and useful is overstated.

Operating Statement

- c. Pro forma salaries, wages, pensions, benefits and payroll taxes are excessive and should be reduced.
 - d. Materials and supplies expenses are excessive and should be reduced.
 - e. Utility is not entitled to any rate case expense associated with its water operation.
 - f. Water system overearnings should not be given to the Utility as a water resource conservation expense, but should be applied to reduce any wastewater revenue increase.
6. Each of the foregoing matters involve disputed issues of material fact.
7. Order No. PSC-07-0088-PAA-WS establishes February 21, 2007 as the date by which protests must be filed.
8. Chapter 367.081, Florida Statutes, is a specific statute the Petitioner contends requires reversal of the agency's proposed action.

9. The Petitioner seeks the Commission to take the following actions with respect to the agency's proposed action:

a. Determine the proper water system overearnings after making adjustments to Water Treatment Plant used and useful percentage, pro forma salaries, wages, pensions, benefits and payroll taxes, material and supplies expenses, and rate case expense.

b. Apply all water system overearnings to reduce any wastewater revenue increase.

c. Determine the proper wastewater revenue requirement after making adjustments to Wastewater Treatment Plant used and useful percentage, pro forma salaries, wages, pensions, benefits and payroll taxes, material and supplies expenses, and application of all water system overearnings.

d. To the extent final wastewater rates are approved which are less than interim wastewater rates, such over collection shall be refunded to Utilities Inc.'s customers with interest.

WHEREFORE, the Citizens hereby protest and object to Commission Order No. PSC-07-0088-PAA-WS, as provided above, and petitions the Commission to conduct a formal evidentiary hearing, under the provisions of Section 120.57(1), Florida Statutes, and further petitions that such hearing be scheduled at a convenient time within or as close as practical to the Utility's certificated service area.

Respectfully submitted,

s/Stephen C. Reilly
Stephen C. Reilly
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 060261-WS

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Petition on Proposed Agency Action has been furnished by U.S. Mail and electronic mail to the following parties this 21st day of February, 2007.

Jennifer Brubaker, Esquire
Florida Public Service Commission
Division of Legal Service
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Martin S. Friedman, Esquire
Valerie L. Lord, Esquire
Rose Sundstrom & Bentley, LLP
2180 W. State Road 434, Suite 2118
Longwood, FL 32779

s/Stephen C. Reilly
Stephen C. Reilly
Associate Public Counsel