

ORIGINAL

Matilda Sanders

From: MAHARAJ-LUCAS.ASHA [MAHARAJLUCAS.ASHA@leg.state.fl.us]
Sent: Thursday, March 08, 2007 3:31 PM
To: Filings@psc.state.fl.us
Cc: REILLY.STEVE
Subject: 060256-SU
Attachments: 060256 petition on proposed.doc

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. 060256-SU

In re: Application for increase in wastewater rates in Seminole County by Alafaya Utilities, Inc.

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

d. There are a total of 4 pages.

e. The document attached for electronic filing is Petition on proposed agency action.

(See attached file: 060256 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

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OPC _____
RCA _____
SCR _____
SGA _____
SEC _____
OTH K.P.

DOCUMENT NUMBER-DATE

02125 MAR-08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In Re: Application for increase in
wastewater rates in Seminole
County by Alafaya Utilities, Inc.

DOCKET NO. 060256-SU
Filed: March 8, 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-0130-SC-SU (“Order”), issued February 15, 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. 060256-SU

2. The Citizens include customers of Alafaya Utilities, Inc. (“Alafaya”, “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.
4. The Citizens received a copy of the Order by inter-office courier on February 19, 2007.

DOCUMENT NUMBER-DATE
02125 MAR-8 5
FPSC-COMMISSION CLERK

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. Wastewater Treatment Plant used and useful is overstated.
- b. Working capital allowance is overstated.
- c. Pro forma rate base is overstated due to the full inclusion of the pro forma adjustment for reuse meters instead of a pro-rata inclusion based on the amount of time they will be in service in the first year in which rates go into effect.

Operating Statement

- d. Pro forma reuse revenue is understated.
6. Each of the foregoing matters involve disputed issues of material fact.
7. Order No. PSC-07-0130-SC-SU establishes March 8, 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 wastewater revenue requirement and resulting rates after making adjustments to Wastewater Treatment Plant used and useful percentage, the working capital allowance, proforma additions to rate base for reuse meters and imputation of the proper amount of proforma reuse revenue.

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

WHEREFORE, the Citizens hereby protest and object to Commission Order No. PSC-07-0130-SC-SU 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. 060256-SU

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 8th day of March, 2007.

Ralph Jaeger, 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