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COMMISSION
CLERK

October 3, 2008

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

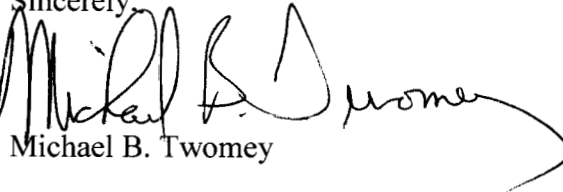
Re: Docket No. 080538, Application for quick-take amendment and application for amendment of Certificate No. 238-W to extend water service to certain territory (Tomoka) in Volusia County, by Aqua Utilities Florida, Inc.

Dear Ms. Cole:

Enclosed for filing on behalf of Aqua Utilities Florida, Inc. in the above-cited docket is a copy of my October 1, 2008 letter to Chairman Frank T. Bruno, Jr. of the Volusia County Council and Mayor Fred Costello of the City of Ormond Beach as well as the map referenced in the letter.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,

Michael B. Twomey

Enclosures

COM _____
ECR Map forwarded
GCL _____
OPC _____
RCP _____
SSC _____
SGA _____
ADM _____
CLK _____

DOCUMENT NUMBER-DATE
09372 OCT-3 08
FPSC-COMMISSION CLERK

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October 1, 2008

Frank T. Bruno, Jr., Chairman
Volusia County Council
123 W. Indiana Avenue
DeLand, Florida 32720

Fred Costello, Mayor
City of Ormond Beach
22 South Beach Street
Ormond Beach, Florida 32175-0277

Re: Docket No. 080538, Application for quick-take amendment and application for amendment of Certificate No. 238-W to extend water service to certain territory (Tomoka) in Volusia County, by Aqua Utilities Florida, Inc.

Dear Chairman Bruno and Mayor Costello:

This is in response to your respective letters to the Florida Public Service Commission ("FPSC") protesting Aqua Utilities Florida, Inc.'s ("Aqua") effort in Docket No. 080538 to amend its FPSC certificated service territory to add customers already being served by Aqua. I will not attempt to address Chairman Bruno's comments regarding Aqua's pending rate proceeding, which are more appropriately considered in Docket No. 080121, which I am not assisting Aqua with, and which I believe should be considered completely separate and apart from this certificate amendment application.

While the legal description noticed in connection with the instant application may lead to confusion as to what is being sought by Aqua, the short answer is that Aqua is only requesting that its FPSC certificate be amended to incorporate customers already being served by it, but not previously reflected in the certificate. More specifically, upon purchase of the Tomoka system, Aqua identified twelve customers who were being served by Aqua facilities, who were physically adjacent to its certificated area, but not included in the FPSC certificated territory. Aqua is required to file this amendment to be in compliance with the FPSC's rules and regulations governing the servicing of customers in relationship to its certificated area. Consequently, in consultation with FPSC staff members, Aqua filed the Quick-Take Amendment in this docket to amend its certificate to include only these customers who Aqua is presently serving and who the previous owner of Tomoka previously served. Let me stress that Aqua has no intention of incorporating in its certificated service territory any customers or territory not currently being served by Aqua and previously served by its successor utility.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

The customers and territory sought for inclusion in Aqua's certificated service territory by the application and as reflected in the legal notice are intended to be limited to the following twelve addresses:

100 Greenbriar Avenue, 110 Greenbriar Avenue, 120 Greenbriar Avenue, 130 Greenbriar Avenue, 140 Greenbriar Avenue, 150 Greenbriar Avenue, 160 Greenbriar Avenue, 165 Greenbriar Avenue, 155 Greenbriar Avenue, 145 Greenbriar Avenue, 135 Greenbriar Avenue, and 125 Greenbriar Avenue.

Additionally, the attached map reflects the relationship of these twelve addresses to the existing certificated service territory of Aqua, but note that the map refers to the street as a "lane," not an "avenue."

Again, Aqua is required by FPSC rules and precedent to amend its certificated service territory to reflect customers actually being served. The twelve customers sought for inclusion by this application have long been served by Aqua's predecessor utility, are currently being served by Aqua and are not in a position of reasonably being served by another utility. Aqua is hopeful that as a result of this clarification both the County and City will agree with the certificate amendment and withdraw their objections. Any remaining concerns with the rate case can, and should, be addressed in Docket No. 080121.

I would be happy to address any remaining questions and concerns with the amendment application, but would suggest it might be more productive for City or County personnel familiar with the service territories involved directly contact Aqua's lead staff member on this filing, Mr. Carl Smith, who can be reached at (352) 435-4024 or by email at: CDSmith2@aquaamerica.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael B. Twomey". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Michael B. Twomey
For Aqua Utilities Florida, Inc.

cc: Florida Public Service Commission

Smith, Carl D.

From: Lihvarcik, Julie A.

Sent: Monday, September 29, 2008 1:46 PM

To: Smith, Carl D.

Carl-

All of the addresses correlate with the lot numbers on the map except for lot 180, which is address 165 Greenbriar Ave.

100 Greenbriar Ave
110 Greenbriar Ave
120 Greenbriar Ave
130 Greenbriar Ave
140 Greenbriar Ave
150 Greenbriar Ave
160 Greenbriar Ave
165 Greenbriar Ave
155 Greenbriar Ave
145 Greenbriar Ave
135 Greenbriar Ave
125 Greenbriar Ave

Thanks,
Julie

9/29/2008