

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS 10 JUN 14 AM 10:55

DATED: JUNE 14, 2010

COMMISSION
CLERK

COMMISSION STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-10-0105-PCO-WS filed February 24, 2010, the staff of the Florida Public Service Commission files its Prehearing Statement.

A. All Known Witnesses

Subject Matter

Daniel W. Evans
Department of Community Affairs (DCA)
2555 Shumard Oak Boulevard,
Tallahassee, Florida 32399-2100

DCA's position on consistency of proposed service and development with local comprehensive plans.

Paul M. Williams
Southwest Florida Water Management District
2379 Broad St.,
Brooksville, Florida 34606

Local water use and supply, and Southwest Florida Water Management District's permitting procedures.

B. All Known Exhibits

Daniel W. Evans	DWE-1	DCA letter dated December 7, 2009
Paul M. Williams	PMW-1	Resume
Paul M. Williams	PMW-2	Water Use Permits Map
Paul M. Williams	PMW-3	Table 1-Water Use Comparison

C. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

D. Staff's Position on the Issues

The following are issues identified by Staff and its positions on these issues. Staff's positions are preliminary, are based upon materials filed by the utility or obtained through discovery and are intended to inform the parties of Staff's preliminary positions. Staff's final positions will be based upon an analysis of the evidence presented at the hearing.

ISSUE 1: Has Skyland presented evidence sufficient to invoke the Commission's exclusive jurisdiction over Skyland's application for original certificates for proposed water and wastewater systems?

A. Did Skyland provide evidence to support that it satisfies the definition of "utility" contained in Section 367.021(12), Florida Statutes?

B. Did Skyland provide evidence to support that the service proposed by Skyland transverses county boundaries pursuant to Section 367.171(7), Florida Statutes?

POSITION: In Order No. PSC-10-0123A-PCO-WS, the Commission determined that from the face of the application the Commission has jurisdiction over this matter. On May 4, 2010, the Commission's Order on Jurisdiction and Denying Hernando County's Motion to Dismiss was per curiam affirmed by the First District Court of Appeals. Accordingly, the Commission should not reconsider its legal determination regarding jurisdiction but only whether the application has met its factual burden of proof that it is within the Commission's jurisdiction.

ISSUE 2: Is there a need for service in Skyland's proposed service territory and, if so, when will service be required?

POSITION: No position at this time.

ISSUE 3: Is Skyland's application inconsistent with Hernando County's comprehensive plan?

POSITION: No position at this time.

ISSUE 4: Is Skyland's application inconsistent with Pasco County's comprehensive plan?

POSITION: No position at this time.

ISSUE 5: Will the certification of Skyland result in the creation of a utility which will be in competition with, or duplication of, any other system pursuant to Section 367.045(5)(a), Florida Statutes?

POSITION: No position at this time.

ISSUE 6: Does Skyland have the financial ability to serve the requested territory?

POSITION: No position at this time.

ISSUE 7: Does Skyland have the technical ability to serve the requested territory?

POSITION: No position at this time.

ISSUE 8: Has Skyland provided evidence that it has continued use of the land upon which the utility treatment facilities are or will be located?

POSITION: No position at this time.

ISSUE 9: Is it in the public interest for Skyland to be granted water and wastewater certificates for the territory proposed in its application?

POSITION: No position at this time.

ISSUE 10: If the certificates for the proposed water and wastewater systems are granted, what is the appropriate return on equity for Skyland?

POSITION: No position at this time.

ISSUE 11: If the certificates for the proposed water and wastewater systems are granted, what are the appropriate potable water and wastewater rates for Skyland?

POSITION: No position at this time.

ISSUE 12: If the certificates for the proposed water and wastewater systems are granted, what are the appropriate service availability charges for Skyland?

POSITION: No position at this time.

ISSUE 13: If the certificates for the proposed water and wastewater systems are granted, what is the appropriate Allowance for Funds Used During Construction (AFUDC) rate for Skyland?

POSITION: No position at this time.

ISSUE 14: **Should this docket be closed?**

POSITION: No position at this time.

E. Stipulated Issues

There are no stipulated issues at this time.

F. Pending Motions

There are no pending motions at this time.

G. Pending Confidentiality Claims or Requests

There is one pending confidentiality claim at this time.

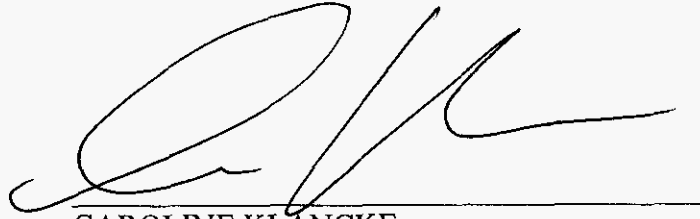
H. Objections to Witness Qualifications as an Expert

There are no objections to a witness' qualifications at this time.

I. Compliance with Order No. PSC-10-0105-PCO-WS

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 14th day of June, 2010.

A handwritten signature in black ink, appearing to read 'Caroline Klancke', written over a horizontal line.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

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DATED: JUNE 14, 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of COMMISSION STAFF'S PREHEARING STATEMENT has been filed with Office of Commission Clerk and one copy has been furnished to the following by electronic and U.S. Mail, on this 14th day of June, 2010:

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A handwritten signature in black ink, appearing to read 'Caroline Klancke', written over a horizontal line.

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