

Marguerite McLean

090322-WU

From: Trina Collins [TCollins@RSBattorneys.com]
Sent: Monday, November 15, 2010 4:40 PM
To: Filings@psc.state.fl.us
Cc: Martin Friedman; oswatercompany@embarqmail.com; Trina Collins
Subject: Filing in Docket No.: 090322-WU; IN RE: Request to Establish Payment Plan for 2008 Regulatory Assessment Fees by O&S Water Company, Inc. in Osceola County, Florida
Importance: High
Attachments: Petition for Formal Administrative Proceeding.11-15-2010(2).pdf

- a. Martin S. Friedman, Esquire
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 Email: mfriedman@rsbattorneys.com
- b. Docket No. 090322-WU; IN RE: Request to Establish Payment Plan for 2008 Regulatory Assessment Fees by O&S Water Company, Inc. in Osceola County, Florida - Filing Petition for Formal Administrative Proceeding with regard to Order No. PSC-10-0655-PAA-WU.
- c. O & S Water Company, Inc.
- d. 2 Pages.
- e. Petition for Formal Administrative Proceeding - 2 pages.

11/15/2010

DOCUMENT NUMBER-DATE
 09386 NOV 15 2010
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Request to Establish Payment
Plan for 2008 Regulatory Assessment
Fees by O & S Water Company, Inc.
in Osceola County, Florida

DOCKET NO.: 090322-WU

PETITION FOR FORMAL ADMINISTRATIVE PROCEEDING

O & S WATER COMPANY, INC. ("O & S"), by and through its undersigned counsel, and pursuant to Rule 28-106.201, Florida Administrative Code, files this demand for a formal administrative proceeding with regard to Order No. PSC-10-0655-PAA-WU, and in support thereof states:

1. The name, address and telephone number of the Petitioner is:

O & S Water Company, Inc.
501 East Oak Street, Suite F
Kissimmee, Florida 34744
(407) 846-2650

2. The name, address and telephone number of O&S's attorney is:

Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
766 North Sun Drive, Suite 4030
Lake Mary, Florida 32746
407-830-6331 (telephone)
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3. O&S received notice of the agency decision by download from the Commission's website on November 2, 2010.

4. The following issues of material fact are in dispute:

- a. Whether O&S was notified of alleged delinquent RAF's from 2004, and whether the Commission has waived its right or is estopped from collecting such RAF's.

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- b. Whether the Commission should waive penalties and interest.
5. a. Until the current docket was opened, the Commission never advised O&S that there was a delinquency in the 2004 RAF's.
- b. The crash in the real estate market hit O&S's customer base harder than any other in the state. Foreclosures in this portion of Osceola County were the largest in the state. As a result, O&S had a significant reduction in its customer base in 2008, along with a record high in delinquent payments.
- c. O&S has entered into a contract to sell its utility system to the Tohopekaliga Water Authority, and at closing the RAF's will be paid.
6. O&S is entitled to relief pursuant to Sections 367.145 and 350.113, Florida Statutes.

WHEREFORE, O&S Water Company, Inc., respectfully requests that this Commission waive payment of the 2004 RAF's and interest and penalties for the 2008 and 2009 RAF's.

Respectfully submitted on this 15th day
of November, 2010, by:

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