

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Citizens of  
the State of Florida to open  
investigation into quality of  
service provided by Florida  
Water Services Corporation to  
Deltona service territory.

DOCKET NO. 010153-WU  
ORDER NO. PSC-01-1968-PCO-WU  
ISSUED: October 3, 2001

ORDER GRANTING PETITION TO INTERVENE

On February 1, 2001, the Office of Public Counsel (OPC) filed a petition to open an investigation into the quality of service provided by Florida Water Services Corporation (FWSC or utility) to the Deltona service territory in Volusia County.

On July 24, 2001, a Motion to Intervene was filed by counsel for Ms. Rosemarie Hester, a customer who receives service from FWSC's Deltona system. The Motion stated that OPC's petition was based in part upon issues concerning the quality of service provided to Ms. Hester's property, and that she is an interested person in the proceedings whose interests will be thereby affected.

On July 27, 2001, OPC timely filed a response to the motion to intervene, stating its support that Ms. Hester should be granted intervenor status.

On July 31, 2001, FWSC timely filed a response in opposition to the motion for intervention, stating that the motion should be denied for its failure to comply with Rules 25-22.039 and 28-106.201, Florida Administrative Code.

By Order No. PSC-01-1674-PCO-WU, issued August 16, 2001, the Prehearing Officer found that the Motion was not in substantial compliance with Rule 28-106(2), and it was therefore dismissed without prejudice in accordance with Rule 28-106(4), Florida Administrative Code. The Order further noted that, pursuant to Rule 28-106(4), counsel for Ms. Hester may petition for leave to intervene again, in compliance with Rules 25-22.039 and Rule 28-106.201, Florida Administrative Code.

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On September 10, 2001, a subsequent Petition to Intervene was filed on behalf of Ms. Hester. In support of her Petition, she states that she is a customer of FWSC's Deltona system, and that she is concerned about the health and safety of herself and her family as a result of the water she receives from FWSC. Ms. Hester is concerned about possible future episodes of contamination and that appropriate actions be taken by the regulatory agencies involved. No response in opposition to the Petition has been filed, and the time for filing such a response has expired.


Having reviewed the Petition, it appears that Ms. Hester's substantial interests may be affected by this proceeding. The Motion is also in substantial compliance with Rules 25-22.039 and Rule 28-106.201, Florida Administrative Code. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Ms. Hester takes the case as she finds it.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the Petition to Intervene, filed by Ms. Rosemarie Hester, is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents that are hereinafter filed in this proceeding, to Dennis K. Brayer, Esquire, 306 S. Oceanshore Blvd., Flagler Beach, Florida, 32136.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 3rd day of October, 2001.

  
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FOR BAEZ  
BRAULIO L. BAEZ  
Commissioner and Prehearing Officer

( S E A L )

JSB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.