

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
proposed sale of Florida Water
Services Corporation.

DOCKET NO. 021066-WS
ORDER NO. PSC-03-0341-PCO-WS
ISSUED: March 10, 2003

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition filed February 21, 2003, the City of Palm Coast (City or Palm Coast) requests leave to intervene in this proceeding. In support of its Petition, the City states that it appeared before the Florida Public Service Commission on this matter on February 4, 2003, at which time it presented extensive oral and written arguments, and thus should be deemed a proper party in this matter. Further, it had previously filed two petitions for rulemaking before the Commission, and both were related to the subject matter that gave rise to Commission Order No. PSC-03-0193-FOF-WS, issued February 7, 2003, in this docket. Palm Coast states that it was found to have standing to file the rulemaking petitions and the Commission concluded that the matters in this docket would consume the requests for rulemaking. Palm Coast states it has a substantial and material interest in this docket in that the acquisition by Florida Water Services Authority (FWSA) of the water and wastewater systems owned and operated by Florida Water Services Corporation (FWSC) could have a major impact on the quality and level of water and wastewater service provided to the City, who is a customer of FWSC. No response in opposition to the Petition has been filed.

Having reviewed the Petition, it appears that the utility's substantial interests may be affected. Therefore, the Petition should be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, the City takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene, filed by the City of Palm Coast, is hereby granted. It is further

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

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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 William L. Colbert, Esquire, Lonnie N. Groot, Esquire, and Virginia Cassady, Esquire, Stenstrom, McIntosh, Colbert, Whigham & Simmons, P.A., 200 West First Street, Suite 22, Post Office Box 4848, Sanford, Florida 32772-4848.

By ORDER of the Florida Public Service Commission this 10th day of March, 2003.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Marcia Sharma
Marcia Sharma, Assistant Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

LAH

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.

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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; or (2) 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.