

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
wastewater service in Charlotte
County by Island Environmental
Utility, Inc.

DOCKET NO. 020745-SU
ORDER NO. PSC-03-1345-PCO-SU
ISSUED: November 25, 2003

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Motion filed November 10, 2003, Charlotte County (County) requests leave to intervene in this proceeding. In support of its Motion, the County states that as a governmental authority and provider of water and wastewater utilities through its governmental unit known as Charlotte County Utilities (CCU), it is substantially affected by the requested certification since CCU is the public utility system that would normally serve any specified service areas within the County.

In addition, the County states that it is substantially affected and has standing pursuant to Section 367.045(4), Florida Statutes, on the ground that the issuance of a certificate to Island Environmental Utility, Inc. (IEU) violates an established local Comprehensive Plan policy developed pursuant to Sections 163.3161 through 163.3211, Florida Statutes. This policy prohibits the expansion of sanitary sewer service outside of the County's Infill Area boundaries. The County states that it is currently considering several amendments to the County Comprehensive Plan to allow for the expansion of wastewater facilities in a way that would be consistent with the Comprehensive Plan, while preventing an increase of existing densities and safeguarding the environment and natural resources.

No response in opposition to the Motion has been filed.

Having reviewed the Motion, it appears that the County's substantial interests may be affected by this proceeding. Therefore, the Motion shall be granted.

DOCUMENT NUMBER 03-1345-PCO-SU

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ORDER NO. PSC-03-1345-PCO-SU
DOCKET NO. 020745-SU
PAGE 2

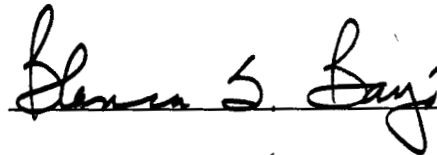
Pursuant to Rule 25-22.039, Florida Administrative Code, the County takes the case as it finds it. It is noted that the County timely filed intervenor testimony in this docket on November 14, 2003.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Motion to Intervene filed by Charlotte County 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 Janette S. Knowlton, Assistant County Attorney, Office of the County Attorney, 18500 Murdock Circle, Port Charlotte, Florida 33948-1094.

By ORDER of the Florida Public Service Commission this 25th Day of November, 2003.



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

(S E A L)

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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; 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.