

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for limited) DOCKET NO. 930256-WS
proceeding to implement water) ORDER NO. PSC-94-0486-PCO-WS
conservation plan in Seminole) ISSUED: April 25, 1994
County by Sanlando Utilities)
Corporation.)
_____)

ORDER GRANTING PETITION TO INTERVENE

By Petition filed February 16, 1994, the Florida Audubon Society, Inc. (Audubon) and the Friends of the Wekiva River, Inc. (Friends) by and through Charles Lee, Senior Vice President of Audubon, requests leave to intervene in this proceeding. Audubon and Friends wish to intervene in order to support the implementation of Sanlando's water conservation plan. In support of their Petition, Audubon and Friends state that in an effort to institute water conservation methods, they filed a petition with the Department of Environmental Regulation (now Department of Environmental Protection or DEP) challenging Sanlando Utilities Corporation's (Sanlando's) wastewater operating permit. Audubon and Friends then entered into a stipulation with DEP and Sanlando which required Sanlando to pursue a limited proceeding for a water conservation plan with the Commission. As part of the stipulation, Audubon and Friends agreed to support Sanlando's request before the Commission. Audubon and Friends also claim that members of both organizations reside within Sanlando's service area and will be directly affected by this proceeding.

On February 28, 1994, Tricia Madden, as an individual party and as President of Wekiva Hunt Club, filed a motion in opposition to Audubon and Friends' Petition. Pursuant to Rule 25-22.037(b), Florida Administrative Code, a memorandum in opposition to a motion must be filed within seven days of the original motion. Ms. Madden's Motion was filed 12 days after Friends and Audubon's Motion. Furthermore, Ms. Madden's motion does not sufficiently support her argument that Friends and Audubon do not have a substantial interest in this proceeding.

Having reviewed the Petition, it appears that Audubon and Friends' substantial interests may be affected by this proceeding, on the grounds that Audubon and Friends were parties to a DEP proceeding which concerned Sanlando's water conservation plan, and on the grounds that members of the organizations reside in Sanlando's service area. Therefore, the Petition should be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Audubon and Friends take the case as they find it.

On the same date that Audubon and Friends filed the Petition to Intervene, February 16, 1994, Audubon and Friends filed a Motion

DOCUMENT NUMBER-DATE

03836 APR 25 1994

FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0486-PCO-WS
DOCKET NO. 930256-WS
PAGE 2

to Dismiss the petitions filed by the intervenors in this docket. Because Friends and Audubon were not parties at the time of the filing of the Motion, their Motion will be considered to be filed on the date of this Order Granting Intervention, so that other parties may now respond to their Motion.

Charles Lee, Senior Vice President of the Audubon Society, has filed the petition on behalf of his own organization, and the Friends of the Wekiva River. While Mr. Lee is not an attorney, he has been recommended to be admitted to represent the interests of both parties as a Class B practitioner pursuant to Rule 25-22.008(3), Florida Administrative Code. Mr. Lee's practice will be limited to his area of expertise, which is environmental issues.

Based on the foregoing, it is, therefore,

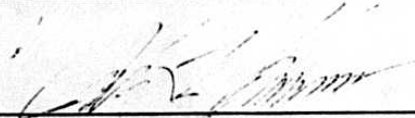
ORDERED by the Prehearing Officer Julia Johnson that the Petition to Intervene, filed by the Florida Audubon Society, Inc. and Friends of the Wekiva River, Inc., is hereby granted. It is further

ORDERED that the Motion to Dismiss filed by the Florida Audubon Society, Inc. and Friends of the Wekiva River, Inc., is deemed to have been filed on the date of this Order so that other parties will have an opportunity to respond. 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 the Florida Audubon Society, Inc. and Friends of the Wekiva River, Inc.:

Charles Lee
Senior Vice President
Florida Audubon Society
460 Highway 436, Suite 200
Casselberry, FL 32707

By ORDER of Commissioner Julia Johnson, as Prehearing Officer, this 25th day of April, 1994.



Julia Johnson, Commissioner and
Prehearing Officer

(S E A L)
MO

ORDER NO. PSC-94-0486-PCO-WS
DOCKET NO. 930256-WS
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 25-22.038(2), 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 Records and Reporting, 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.