

P.O.Box 791
Eastpoint, FL 32328
August 2, 1994

Public Service Commission
101 E. Gaines Street
Fletcher Building
Tallahassee, Florida 32399-0860

Resort Village Utility, Inc.
Docket No. 931111-SU

Dear Commissioners:

I have read the PSC legal staff's recommendation to grant Resort Village's motion to Dismiss the objections filed against the Resort Village Utility's application for a wastewater certificate. This letter contains points of rebuttal challenging that opinion which I believe should be duly considered by the Commission.

- (1) The crux of Resort Village's argument to dismiss rests on the assertion that because the Franklin County Board of Commissioners denied the construction of condominiums in the development plan, the utility would not have residential customers. This decision has been appealed by the applicant (Ben Johnson) to the Florida Land and Water Adjudicatory Commission which could very well overrule the Franklin County Board's decision, thereby negating this assertion. The question before the Florida Public Service Commission is whether it would be appropriate to rule on this motion to dismiss before the occurrence of the aforementioned appeal before the Florida Land and Water Adjudicatory Commission. It is my opinion that the PSC should be clear whether the utility will have residential customers since this fact weighs in so heavily with the applicant's argument to dismiss. The appeal before the Florida Land and Water Adjudicatory Commission is scheduled to be heard on August 22 and 23, 1994; and thus, it does not seem unreasonable for the Public Service Commission to wait approximately three (3) weeks for the outcome of this hearing in order to substantiate the applicant's assertion that there will be no residential customers. Failure to do so may undermine objectors rights to petition.

DOCUMENT NUMBER-DATE

08047 AUG-8 8

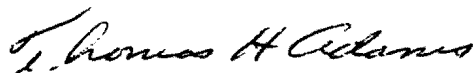
FPSC-RECORDS/REPORTING

- (2) My letter of November 15, 1993 should be regarded as a request for a Section 120.57 hearing.
- (3) My letter of May 31, 1994 enclosed herewith, clearly states my concerns of immediate injury of a substantial nature as required by 387,=.045, Florida Statutes. The Commission should note in this regard the following sentence excerpted from that letter:

“My home is located several hundred feet from the proposed wastewater treatment plant and I believe I will suffer adverse impacts (noise, odor, and other potential dangers) from a plant located contiguous to a residential neighborhood.”
- (4) Staff counsel should determine unequivocally whether environmental damages are still damages nevertheless in the Agrico case, 408 So. 2d 478, cited by PSC staff counsel.
- (5) Environmental damages are indeed relevant to the jurisdiction of the Public Service Commission to the extent that said damages could affect service and rates of the utility. It seems quite unreasonable to assume that this would not be the case.

Since this entire matter has been filled with irregularities, it would seem only fair to allow the objectors to express objections at a public hearing. Thank you for your consideration of this request.

Sincerely,



Thomas H. Adams