

State of Florida

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DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(904) 487-2740

## Public Service Commission

May 12, 1995

Mr. Donald Bringman  
500 W. State St. Apt. 3J  
Jacksonville, IL 62650

Mr. William Collison  
Tamiami Village Lot Owners Association  
251 Citron Way  
North Fort Myers, FL 33903

Mr. Willard Cookerly  
Tamiami Village Community Association  
9247 Caloosa Drive  
North Fort Myers, FL 33903

Mr. Robert Stuart  
Tamiami Village Lot Owners Association  
9063 Flamingo Circle  
North Fort Myers, FL 33903

Re: Docket No. **950015-WU** - Application for transfer of Certificate No. 388-W in Lee County from Tamiami Village Utility, Inc., to Tamiami Village Water Company, Inc.

Dear Sirs:

The purpose of this letter is to advise you of certain procedures which must be followed if you and/or other customers of Tamiami Village Utility, Inc. (TVU), intend to pursue to hearing TVU's request to transfer its water certificate to Tamiami Village Water Company, Inc. (TVWC).

First, I want to be sure that the customers of TVU who have requested a hearing in this docket understand that Commission approval of the requested transfer will have no effect upon the utility's water rates or charges. If the transfer is approved, TVWC will only be authorized to charge TVU's current rates and charges up until such time as the Commission authorizes the utility to change its rates in a future proceeding. Should the utility file a request for approval of increased water rates in the future, the customers will be notified at that time.

Please advise me at your earliest convenience if, based on the foregoing, all customers who have filed protests in this docket agree to withdraw your requests for a hearing. If this is the case, it will be very important for you to assure that each and every customer who has filed a protest agrees to withdraw, as this will result in cancellation of the hearing.

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On the other hand, if you and/or any other customers who have filed protests in this docket still wish to pursue the matter to hearing, you will have to put on testimony and/or other evidence. The hearing will be held on November 3, 1995, in Fort Myers.

It will be important for customer-protesters to follow the procedures set forth in the Order Establishing Procedure (Order) issued in this docket. A copy of the Order is enclosed for your reference. Customers should follow the controlling dates set forth for "intervenors" (see page 6 of the Order). Please note that if customers intend to prefile testimony and exhibits, the originals and 15 copies of these documents must be filed with the Director, Division of Records and Reporting, by 5:00 p.m. on June 5, 1995. In preparing your testimony and exhibits, it is important that you refer to pages 2 and 3 of the Order. Failure of a party to timely prefile exhibits and testimony may bar admission of such exhibits and testimony.

Further, you will be required to file prehearing statements, with 15 copies of each statement, by 5:00 p.m. on July 19, 1995. If any party does not timely file a prehearing statement, this will result in waiver of any issues not raised by the other parties. Testimony on issues which are waived will not be permitted at hearing. In preparing prehearing statements, please refer to pages 3 and 4 of the Order.

Please also note that a prehearing conference will be held on October 23, 1995, at the Commission headquarters in Tallahassee. Any party who fails to attend the prehearing conference, unless excused by the Prehearing Officer, will have waived all issues and positions raised in that party's prehearing statement. It is therefore very important that customers who wish to pursue a hearing in this docket plan to attend this prehearing conference.

Although the Commission allows individuals to represent themselves at hearings, it may be to your benefit to hire an attorney. Alternatively, the Office of Public Counsel, which is statutorily authorized to represent utility customers in proceedings before this Commission, may agree to handle the case on your behalf. You can reach the Office of Public Counsel toll-free at 1-800-342-0222, or at (904) 488-9330, in Tallahassee.

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Finally, please assure that all other customers who have filed protests in this docket are either given a copy of this letter, or are made aware of its contents. Please feel free to contact me at (904) 487-2740 if you have any questions regarding any of the above.

Sincerely,



Rosanne G. Capeless,  
Staff Attorney

RGC/ji

Enclosure

cc: Mr. John J. Ustica  
Division of Records and Reporting  
Division of Water and Wastewater (Tomlinson, Redemann)