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July 3, 1996

Ms. Blanca Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ORIGINAL
FILE COPY

RE: Application for Amendment of Certificate Nos. 359-W and 290-S to Add Territory in Broward County by South Broward Utility, Inc. in Docket No. 960695-WS

Dear Ms. Bayo:

Enclosed please find the original and fifteen (15) copies the City of Sunrise's Objection to Clay Utility Company's and South Broward Utility, Inc.'s Joint Application for Transfer of South Broward Utility's Water Certificate No. 359-W, Wastewater Certificate No. 290-S, and Utilities Facilities.

If additional information is needed, please do not hesitate to contact me.

Sincerely,

John R. Marks, III

JRM/lcg

cc: Susan Kornspan

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FPSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Application by)
Clay Utility Company and)
South Broward Utility, Inc.,)
for Transfer of Water Certificate)
No. 359-W, Wastewater Certificate)
No. 290-S, and Utility Facilities)
from South Broward Utility, Inc.,)
to Clay Utility Company)

DOCKET NO. 960695-WS
Date Submitted for Filing:
July 3, 1996

ORIGINAL
FILE COPY

CITY OF SUNRISE'S OBJECTION TO CLAY UTILITY COMPANY'S AND
SOUTH BROWARD UTILITY, INC.'S JOINT APPLICATION FOR TRANSFER OF
SOUTH BROWARD UTILITY'S WATER CERTIFICATE NO. 359-W,
WASTEWATER CERTIFICATE NO. 290-S, AND UTILITIES FACILITIES

City of Sunrise, Florida ("Sunrise"), 10770 West Oakland Park Boulevard, Sunrise, Florida, 33351, by and through its undersigned counsel, and pursuant to Sections 367.071 and 367.045, Florida Statutes, and Section 25.30.031, Florida Administrative Code, hereby files this Objection to the Joint Application of Clay Utility Company ("Clay Utility") and South Broward Utility, Inc. ("SBU"), for Transfer of Water Certificate No. 359-W, Wastewater Certificate No. 290-S, and Utility Facilities ("Application"). As grounds therefor, Sunrise states as follows:

1. The City of Sunrise is an incorporated municipality, located in Broward County, Florida and a party substantially affected by the Application.

2. The names, addresses and telephone numbers of the persons who should receive copies of all documents, papers, correspondence, filings and processes in this Docket are:

John R. Marks, Esquire
Katz, Kutter, Haigler, Alderman, Marks, Bryant & Yon, P.A.
106 East College Avenue, Suite 1200
Tallahassee, Florida 32301
(904) 224-9634

and

Susan Fleischner Kornspan, Esquire
Nason, Gildan, Yeager, Gerson & White, P.A.
1645 Palm Beach Lakes Boulevard, Suite 1200
West Palm Beach, Florida 33401
(561) 686-3307

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

3. Clay Utility and SBU have applied for a transfer of SBU's PSC water and wastewater certificates, as well as the utility facilities of SBU.

4. It is, therefore, the intent and purpose of Clay Utility's and SBU's Application for Clay Utility to own and operate what is now known as SBU, which obviously includes Clay Utility's service of SBU's current customers and any future customers.

5. However, SBU has another pending application before the Public Service Commission ("Commission"). That is: In Re: Application for Amendment of Certificates Nos. 359-W and 290-S to Add Territory in Broward County by South Broward Utility, Inc., Docket No. 94-1121-WS ("Amendment Application").

6. Pursuant to its Amendment Application, SBU is seeking to add territory in Broward County to its PSC water and wastewater certificates. Sunrise objected to that Amendment Application.

7. The Commission held a 120.57 hearing on SBU's Amendment Application on April 8 and 9, 1996. The Agenda Conference related to SBU's Amendment Application is currently scheduled for July 16, 1996.

8. Pursuant to the Prehearing Order for the hearing on SBU's Amendment Application, two of the issues before the Commission were SBU's financial ability to serve the territory that it seeks to add to its PSC certificates and SBU's technical ability to serve the territory which it seeks to add to its PSC certificates (hereinafter "Encroachment Territory").

9. However, pursuant to SBU's and Clay Utility's Joint Application in this Docket, the utility that now is seeking to serve the Encroachment Territory is Clay Utility and not SBU.

10. Accordingly, now the Commission must determine and Clay Utility must show that it has the technical ability and financial ability to serve the Encroachment Territory. If the Commission is inclined to grant Clay Utility's and SBU's Application, the issue that needs to be determined is whether Clay Utility is able to serve because if it cannot, the Amendment Application must be denied.

11. For the foregoing reasons, Sunrise objects to this Joint Application of Clay Utility and SBU.

WHEREFORE, the City of Sunrise, Florida, respectfully requests that pursuant to Sunrise's objection, if the Commission is inclined to grant the Application in this Docket, it first require Clay Utility Company to show that it has the financial ability and technical ability to serve the Encroachment Territory.

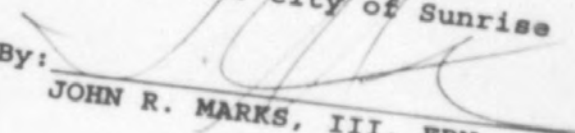
Respectfully submitted,

NASON, GILDAN, YEAGER, GERSON
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and


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MARKS, BRYANT & YON, P.A.
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Attorneys for City of Sunrise

By: 
JOHN R. MARKS, III, FBN: 143026

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing instrument has been furnished by U.S. mail to South Broward Utility, Inc. and Clay Utility Company, 1408 North Westshore Boulevard, Suite 908, Tampa, Florida 33607 and by hand delivery to Blanca Bayo, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, this 3rd day of July, 1996.



Attorney