

ROSE, SUNDBSTROM & BENTLEY

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

2548 BLAIRSTONE PINES DRIVE

TALLAHASSEE, FLORIDA 32301

(904) 877-6555

ORIGINAL
FILE COPY

MAILING ADDRESS
POST OFFICE BOX 1567
TALLAHASSEE, FLORIDA 32302 1567

TELECOPIER (904) 656-4025

CHRIS H. BENTLEY, P.A.
JENNIFER S. BRUBAKER
F. MARSHALL DETERING
BRIAN L. DOSTER
MARTIN S. FRIEDMAN, P.A.
JOHN R. JENKINS, P.A.
STEVEN T. MINDLIN, P.A.
ROBERT M. C. ROSE
DAREN L. SHIPPY
WILLIAM E. SUNDBSTROM, P.A.
DAVID D. TREMPER, P.A.
JOHN L. WHARTON

July 29, 1996

VIA HAND DELIVERY

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

Re: Spruce Creek South Utilities, Inc.; Docket No. 960134-WS
Application for Amendment of Water and Wastewater Certificates
Our File No. 28039.02

Dear Ms. Bayo:

The PSC Staff has asked that Spruce Creek South Utilities, Inc. expound upon its reasons for serving customers not within the territories described in their water and wastewater certificates.

It appears evident from a review of Spruce Creek South Utilities, Inc.'s applications to the PSC for water and wastewater certificates that the Utility at the time of those filings requested certificates for only that area then being served, not realizing that it should have also included other territories that it proposed to serve. That assumption is supported by the fact that the Utility plant and facilities are sized to serve the entire Spruce Creek subdivision. That omission was exacerbated by the fact that there was a change in ownership and that the Utility has not had any rate cases or other proceedings filed with the Public Service Commission until very recently.

This omission does not rise to the level of a knowing refusal to comply with, or willful violation of any provision of Chapter 367, Florida Statutes, or any lawful rule or order of the Commission such that it would give rise to penalties pursuant to Section 367.161, Florida Statutes. No customers or other persons were harmed or prejudiced by this omission nor with correcting the omission.

Very truly yours,

Martin S. Friedman, P.A.
For the Firm

MSF:lts

cc: Michael Rebeck, Esquire
Ms. Pat Brady (via Fax)
Mr. Jay Thompson

DOCUMENT NUMBER-DATE

07896 JUL 29 1996

FPSC-RECORDS/REPORTING

CK
FA
PP
AF
CMU
CTR
EAG
LEG
LIN
OPC
RCH
SEC
WAS
OTH