

August 8, 1996

HAND DELIVERY

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

ORIGINAL
FILE COPY

RE: Docket No. 950387-SU
Application of Florida Cities Water Co., N.F.M.
Division, for an Increase in Wastewater Rates

Dear Ms. Bayo:

Enclosed for filing are an original and fifteen copies
of a Notice to Disallow FDEP Letter of Authorization or, in
the Alternative, Motion to Reject FDEP Letter of Authoriza-
tion into the Closed Record, in reference to the above docket.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 1 _____
- LIN 3 _____
- OPC _____
- RCH _____
- SEC 1 _____
- WAS** _____
- OTH _____

Please acknowledge receipt of the foregoing by stamping
the enclosed extra copy of this letter and returning same to my
attention.

Very truly yours,

Cheryl Walla

Cheryl Walla
1750 Dockway Drive
N. Ft. Myers, FL 33903

RECEIVED & FILED

16
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

08307 AUG-8 88

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Florida Cities)
Water Company, North Ft. Myers)
Division, for an increase in waste-)
water rates in Lee County, Florida)

Docket No. 950387-SU

Filed: August 8, 1996

ORIGINAL
FILE COPY

NOTICE OF RESPONSE TO DISALLOW FDEP LETTER OR, IN THE
ALTERNATIVE, MOTION TO REJECT FDEP LETTER INTO THE CLOSED RECORD

Cheryl Walla, files this notice of response for the Commission to disallow FCWC FDEP letter into an already closed record and reject this as a new exhibit into this case, and states:

1. At the time of hearing in this proceeding, the permitted capacity of 1.5 MGD to 1.25MGD on the construction permit was a controversy in this case. This construction permit was changed AFTER this increase was protested and brought to light by the people.

2. The July 19, 1996 FDEP letter simply acknowledged completion of construction and that FCWC permitted capacity is 1.25MGD. The question still and always has been the hydraulic and biologic treatment capacity of this plant and not how much water FDEP will allow FCWC to flow into the river or to the golf course.

3. If the Commission reopens the record and receives new exhibits from FCWC in this 12th hour with agenda conference on August 13, 1996 each party to the case should be accommodated the same provisions of reopening the record and entering new exhibits, as would only be appropriate.

WHEREFORE, Cheryl Walla moves that:

1. The Commission disallow notice of FDEP letter from FCWC.
2. The Commission reject reopening the closed record and not receive this new exhibit.
3. No further relief is DUE by the Commission to this utility.

Respectfully submitted,

Cheryl Walla
Cheryl Walla

DOCUMENT NUMBER-DATE

08307 AUG-8 96

FPSC-RECORDS/REPORTING 00940

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to Mr. Ralph Jaeger, Esquire, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 and by US regular mail to Harold McLean, Esquire, Office of Public Counsel, 111 W. Madison Street Room 812, Claude Pepper Building, Tallahassee, Florida 32399-1400, and also by regular U.S. Mail on this 8th day of August, 1996 to:

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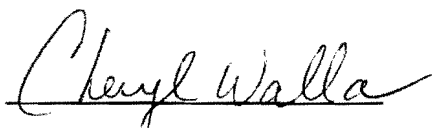
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Cheryl Walla