

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

State of Florida



Blanca S. Bayó, Director
Division of Records and Reporting
(904) 413-6770

Public Service Commission

DATE: January 7, 1997
TO: Parties of Record
FROM: Blanca S. Bayó, Director *BSB*
Division of Records and Reporting
RE: Docket No. 960235-WS - Application for transfer of Certificates Nos. 404-W and 341-S in Orange County from Econ Utilities Corporation to Wedgefield Utilities, Inc.
Docket No. 960283-WS - Application for amendment of Certificates Nos. 404-W and 341-S in Orange County by Wedgefield Utilities, Inc.

This is to inform you that Commissioner Clark has reported the following communication in the above referenced dockets.

- Letter from State Representative Tom Feeny dated December 17, 1996, and Commissioner Clark's response.

The letter from Representative Feeny and the Commissioner's response, copies of which are attached, are being made a part of the record in these proceedings. Pursuant to Section 350.042, F.S., any party who desires to respond to an ex parte communication may do so. The response must be received by the Commission within 10 days after receiving notice that the ex parte communication has been placed on the record. Please mail your response to the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

BSB/cp

Attachments

cc: Rob Vandiver/w/letter

Legal

Susan F. Clark
Chairman

State of Florida



6-0435 DEC 18

Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(904) 413-6040
FAX (904) 487-1716

**Florida House of Representatives
Public Service Commission**

REPRESENTATIVE, DISTRICT 33

P.O. Box 688709
Orlando, FL 32768-8709
407-977-6800

406 House Office Building
Tallahassee, FL 32399-2411
904-488-0468

December 17, 1996

Susan F. Clark, Chairman
Public Service Commission
2540 Shumard Oaks Blvd.
Tallahassee, FL 32399-0850

SUBJECT: Docket Number 960235-WS

Dear Ms. Clark:

A number of Wedgefield residents have contacted our office stating that the Notice of the Proposed Agency Action, dated October 7, 1996, (transfer of water & sewer services to Wedgefield Utilities) should be set aside since proper notification was not given to the citizens of Wedgefield. There are three State approved organizations that represent the community; Wedgefield Homeowners Association, Wedgefield Estates Homeowners Association and Wedgefield Villas Homeowners Association. Our office has been notified that none of these Associations were sent notices by the Commission. By establishing a 30 day deadline, the Commission was obligated to give proper notice.

If the matter cannot be settled amicably between the Commissioners, Wedgefield Utilities, PSC Public Council and representatives from the Wedgefield Homeowners Associations, a public hearing would be critical prior to a Commission decision to insure that all the facts are heard.

Wedgefield is located in the district I represent. Please let me know the status of this issue.

Sincerely,

Tom

Tom Feeney
State Representative, District 33.

State of Florida

Susan F. Clark
Chairman



Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(904) 413-6040
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Public Service Commission

December 31, 1996

The Honorable Tom Feeney
Representative, District 33
Florida House of Representatives
Post Office Box 622109
Oviedo, Florida 32762-2109

Dear Representative Feeney:

Thank you for your letter dated December 17, 1996, concerning Order No. PSC-96-1241-FOF-WS, whereby this Commission, by final agency action, approved the transfer and amendment applications of Wedgefield Utilities, Inc., and by proposed agency action, established rate base for purposes of the transfer. With regard to your concerns about notification, I hope the following explanation will be of help to you.

Florida law and Commission rules require publication, in a local newspaper, of notice of a proposed transfer and/or amendment application. Such notice must include a statement that any objections to the application must be filed with the Commission within 30 days. Also, a utility must provide a copy of the notice to each customer affected by the transfer and/or amendment. On February 27, 1996, Wedgefield filed a petition for approval of the proposed transfer. On March 5, 1996, Wedgefield filed an application for amendment of its certificates to include additional territory. By letter dated March 7, 1996, Wedgefield notified the Commission that it had complied with the prescribed noticing procedures.

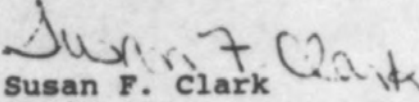
Before a proposed transfer or amendment is approved, the acquiring utility must demonstrate that it has the technical and financial skills needed to render adequate service. The Commission, in this case, voted to approve Wedgefield's application to transfer and amend its certificates. Because no objections were received within the 30-day protest period, the Commission's action, in this regard, became final. However, with regard to the establishment of the rate base for purposes of transfer, this portion of the Commission's order was issued as a proposed agency action to afford substantially affected persons the opportunity to protest.

The Honorable Tom Feeney
December 31, 1996
Page 2

The Office of Public Counsel has filed a timely protest on behalf of the customers of the Wedgefield community of the rate base established by the Order. Accordingly, a public hearing has been scheduled for April 29, 1997, to be held in the Wedgefield service area. This hearing date is subject to change; however, customers of the utility will receive notice of this hearing.

Thank you for your inquiry.

Sincerely,


Susan F. Clark
Chairman

cc: Division of Legal Services (Cyrus-Williams)
Division of Water and Wastewater (Williams, Walker)
Division of Records and Reporting (DN 960235-WS
and DN 960233-WS)

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

RECEIVED
JAN 02 1997

DATE: December 31, 1996

TO: Blanca Bayó, Director of Records and Reporting

FROM: Susan Clark, Chairman *SC*

RE: Communication Received in Docket Nos. 960235-WS and 960283-WS

FPSC-RECORDS/REPORTING

Please find attached a copy of a letter of December 17, 1996, from Representative Tom Feeney and my response. Please place this memorandum and attachments on the record of the above-referenced proceeding. Also, please give notice of this communication to all parties to the docket and inform them that they have 10 days from receipt of the notice to file a response.

From: Carol Purvis
To: Braulio Baez, Brenda Ferris, Charles Rehwinkel, Curtis Williams
Subject: Ex Parte

Confirm receipt

====NOTE=====

Chairman Clark has reported receiving a letter from Representative Tom Feeney, dated December 17, 1996, concerning Dockets Nos. 960235-WS and 960283-WS. We are preparing to distribute the letter and the Chairman's response to the parties to this docket. Would you please advise if your Commissioner also received this letter from Representative Feeney.

From: Carol Purvis
To: Braulio Baez, Brenda Ferris, Charles Rehwinkel, Curtis Williams
Subject: fwd: Ex Parte

====NOTE=====1/03/97-10:24am=====

Chairman Clark has reported receiving a letter from Representative Tom Feeney, dated December 17, 1996, concerning Dockets Nos. 960235-WS and 960283-WS. We are preparing to distribute the letter and the Chairman's response to the parties to this docket. Would you please advise if your Commissioner also received this letter from Representative Feeney.

Fwd-by:=-Braulio=Baez=-1/03/97-10:36am=====

Fwd to: Carol Purvis

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Our office has not received that letter.

From: Carol Purvis
To: Braulio Baez, Brenda Ferris, Charles Rehwinkel, Curtis Williams
Subject: fwd: Ex Parte

====NOTE=====1/03/97-10:24am=====

Chairman Clark has reported receiving a letter from Representative Tom Feeney, dated December 17, 1996, concerning Dockets Nos. 960235-WS and 960283-WS. We are preparing to distribute the letter and the Chairman's response to the parties to this docket. Would you please advise if your Commissioner also received this letter from Representative Feeney.

Fwd-by:=-Charles-Rehwi=1/03/97-10:46am=====

Fwd to: Carol Purvis

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At this point we have not received such a letter in this office.
