

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Application for amendment)
of Certificate No. 427-W to add)
territory in Marion County by)
Windstream Utilities Company.)

Docket No. 960867-WU

PREFILED DIRECT TESTIMONY
OF
JEFF GANN

On Behalf of Marion County, Florida
and
Joe Lettelleir/Barrett Family Partnership IV, Ltd. (JB Ranch)

ACK _____ 35
AFA _____ 36
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OPC _____
RCH _____
SEC _____
WAS _____
OTH _____

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 96-0867-WU

MARION COUNTY, FLORIDA and

JB RANCH

In Re: Application for amendment of Certificate No.
427-W to add territory in Marion County by
Windstream Utilities Company.

PREFILED DIRECT TESTIMONY OF JEFF GANN

Q. Please state your name and address for the record.

A. My name is Jeff Gann. My business address is 13980 S.E.
146th Court, East Lake Weir, Florida 32133.

Q. By whom are you employed?

A. I am currently self-employed.

Q. In what capacity have you worked for Marion County?

A. From November, 1992 to November 1996, I served as a
County Commissioner on the Board of County
Commissioners of Marion County, Florida.

Q. Mr. Gann, what is the purpose of your testimony here
today?

A. I am here as a witness for Marion County and JB Ranch in
opposition to Windstream Utilities Company's Application
for Amendment of Certificate No. 427-W to add additional
territory in Marion County, Florida.

Q. What is the purpose of your testimony?

A. To provide statements of fact regarding Windstream

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Utilities Company's representations to the Board of County Commissioners regarding the negotiation of a bulk deal with Marion County for water service.

Q. Briefly describe your involvement with Marion County Utilities?

A. During my entire term on the Board of County Commissioners, I was very active in water and wastewater utility issues of all kinds. As a member of the Commission, I proposed the development of a water resource protection plan. As contemplated in the Marion County Comprehensive Plan, in February of 1996, the County began development of a water resource protection plan which called for the implementation and provision of water and wastewater service by the County in the S.R. 200 corridor. In May of 1996, the Board adopted the Marion County Water Resource Protection and Utilities Plan and voted to transmit certain comprehensive plan amendments incorporating the Marion County Water Resource Protection and Utilities Plan into the comprehensive plan. These actions also fulfilled previous County efforts dating back to at least 1993 to provide water and wastewater service in the S.R. 200 corridor.

Q. What other actions did the Board take to provide water and wastewater service in the S.R. 200 corridor?

A. In July of 1996, representatives of Marion County began

1 negotiating with owners of the JB Ranch property and
2 other properties to provide water and wastewater service
3 within the S.R. 200 corridor. On November 5, 1996, the
4 Board approved the Marion County/Barrett Family/Zacco
5 Subregional Water and Wastewater Utilities Agreement,
6 Contract No. 96-5. I also assisted in the negotiation and
7 the Board approved a City of Ocala/Marion County Water
8 and Wastewater Service Territorial Agreement, Contract
9 No. 96-2, on September 24, 1996. Taken together, these
10 agreements provide that the County will provide water and
11 wastewater service within the S.R. 200 corridor.

12 Q. Did you consider intervening in these proceedings at the
13 time of approval of Contract No. 96-5?

14 A. Yes, prior to the November 5, 1996 meeting, utility counsel
15 for the County discussed the filing of an intervention. At
16 the November 5, 1996 meeting, however, Mr. Butch
17 Dlouhy, representing Windstream Utilities Company,
18 approached the Board of County Commissioners and
19 asked if the Board would negotiate a bulk agreement so
20 that the Board could serve retail areas with wholesale
21 water from Mr. Dlouhy. Again, at the November 12, 1996
22 meeting, certain information and data was presented by
23 the Marion County Utility counsel and Mr. Gerald Hartman,
24 Marion County utility engineer, regarding a proposed
25 agreement with Windstream Utilities Company. Points of

1 the deal included that Windstream Utilities Company
2 would withdraw its certification proceeding and that
3 Marion County would provide retail water and wastewater
4 service to areas previously sought to be served by
5 Windstream Utilities Company for water only. Mr. Dlouhy
6 was also present during the presentation and did not
7 object to any of the points made during the presentation.
8 But for Mr. Dlouhy's actions, statements, and
9 representations to the Board, the Board would have
10 intervened in this proceeding in early November of 1996.

11 Q. Does this conclude your testimony.

12 A. Yes.