



# Public Service Commission

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

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**DATE:** May 20, 1997  
**TO:** Division of Records and Reporting  
 Division of Legal Services (Jaeger)  
**FROM:** Edith Xanders, Division of Water and Wastewater  
**RE:** Docket No. 970229-SU: Application of K.W. Resort Utilities Corp. for limited proceeding  
 increase in reuse water rates

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Please place the attached in the above referenced docket file. If you have any questions, please feel free to contact me.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
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DOCUMENT NUMBER-DATE  
 05078 MAY 20 1997  
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May 20, 1997

Facsimile Cover Sheet

To: Ms. Edith Xanders  
Division of Water and Wastewater  
Public Service Commission

Phone Number: 904/413-7011  
Fax Number: 904/413-7012

From: Ben E. Girtman, Esq. 

Number of Pages: 4 (including this page)

Re: Docket No. 970229-SU, Application of K.W.  
Resort Utilities for limited proceeding  
increase in reuse water rates

Comments: Please see the attached correspondence.

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**BEN E. GIRTMAN**  
*Attorney at Law*

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May 20, 1997

Ms. Edith Xanders  
Bureau of Policy Development  
and Industry Structure  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 970229-SU, Application of K.W. Resort Utilities Corp. for limited proceeding increase in reuse water rates.

Dear Ms. Xanders:

You may not be aware that the protestant, Key West Country Club, has a motion pending before the Commission to dismiss the limited proceeding on legal grounds. Until the Commissioners rule on the pending legal issues, we won't know whether the Commission is going to proceed with this docket. Therefore, it would be premature to begin responding to substantive matters. If the Commissioners agree with the protestant on the preliminary legal issues, their vote at Agenda Conference to dismiss the utility's application would prevent the costly and time consuming proceedings from having to go forward.

Please note that, based on Mr. Jaeger's comments at the meeting, the protestant has filed a limited appearance and limited petition to intervene specifically so that the various preliminary legal matters can be ruled upon by the Commissioners.

The recent meeting between representatives of the utility, the golf course and the Commission Staff was beneficial in helping to understand the positions of the opposing entities. However, Mr. Smith reports that no communication has been forthcoming from the utility regarding settlement discussions, so he has initiated a request for discussion. Attached is a copy of Mr. Smith's letter.

Thank you for your consideration in this matter. The

Ms. Edith Xanders  
May 20, 1997  
Page 2

protestant looks forward to receiving the staff recommendation so that the legal issues can be addressed.

Sincerely yours,



Ben E. Girtman

Encl.

cc w/encl.

William Smith, Esq.  
Division of Records and Reporting  
Division of Legal Services (Mr. Jaeger)  
Division of Water and Wastewater (Mr. Hill)

*Law Offices of*  
*Smith, Hemmesch and Burke*

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WILLIAM L. SMITH, JR.  
DONALD F. HEMMESCH, JR.  
KEVIN P. BURKE  
NANCY BEAW CHOOHREN

LAWRENCE J. TARLITZ, *Of Counsel*

May 6, 1997

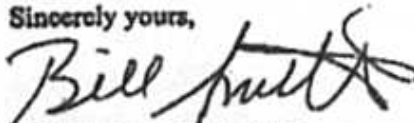
Mr. Gerard Stoudt  
Vice President  
Key West Resort Utility Inc.  
c/o Citicorp Real Estate Inc.  
599 Lexington Avenue  
25<sup>th</sup> Floor  
New York, New York 10043

Re: Key West Resort Utilities, Inc. vs. Key West Golf Club

Dear Gerard:

It has been some time since we discussed settling the rate case that you filed. I would appreciate it if you would call me in order to see if we can resolve this issue.

Sincerely yours,



WILLIAM L. SMITH, JR.

WLS:bed

**RECEIVED**  
MAY 11 1997

Office of  
BEN E. GIRTMAN