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July 28, 1997

990657-

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

Re: Lake Suzy Utilities, Inc.'s Application for the Expansion and Deletion of Service Area

Dear Ms. Bayo:

Enclosed herewith are an original and two copies the Board of County Commissioners of DeSoto County, Florida's objection to Lake Suzy Utilities, Inc's application for expansion and deletion of service area and request for formal hearing for filing with the PSC.

Yours sincerely,

Gary A. Vorbeck

Encs.

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STATE OF FLORIDA
BEFORE THE PUBLIC SERVICE COMMISSION

In re: APPLICATION OF LAKE SUZY
UTILITIES, INC., FOR THE EXPANSION
AND DELETION OF SERVICE AREA

Docket No. 970657

**OBJECTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO
COUNTY, FLORIDA, TO THE APPLICATION OF LAKE SUZY UTILITIES, INC.,
FOR THE EXPANSION AND DELETION OF SERVICE AREA, AND REQUEST FOR
FORMAL HEARING.**

The BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA,
(hereinafter referred to as the "Board"), hereby files this Objection to the Application of Lake
Suzy Utilities, Inc., (hereinafter referred to as "Lake Suzy Utilities") for the Expansion and
Deletion of Service Area, and Request for Formal Hearing, and would state that:

1. This objection relates to the Application of Lake Suzy Utilities for the Expansion
and Deletion of Service Area, filed June 6, 1997, (hereinafter referred to as the "Application").
2. The Board is the governing body of DeSoto County, Florida, a county affected
by the Application.
3. Lake Suzy Utilities has never provided notice of the Application to the Board,
by mail or physical delivery, as required to Section 367.045(2), Florida Statutes. This
objection has been timely filed for purposes of the Board requesting a public hearing on the
Application, pursuant to Section 367.045(4), Florida Statutes, in that, 30 days has not passed
since the mailing or physical delivery of actual notice of the Application to the Board. In fact,
the Board only recently learned of the Application, when advised by Charlotte County, Florida
of its filing.
4. The Board raises the following objections to the Application filed by Lake Suzy
Utilities:

- a. The Public Service Commission is without jurisdiction to hear this Application. On March 5, 1997, the Board rescinded the Public Service Commission's jurisdiction over private water and wastewater utilities in DeSoto County, Florida. The Board's rescision of the Public Service Commission's jurisdiction was acknowledged by the Public Service Commission in Order No. PSC-97-0603-FOF-WS, issued May 27, 1997. Lake Suzy Utilities did not file its Application to amend its certificate until June 6, 1997. Consequently, the Application was not "pending" before the Public Service Commission, for purposes of Section 367.171(5), Florida Statutes, at the time Lake Suzy Utilities became subject to the regulation of DeSoto County, Florida. Nor can Lake Suzy Utilities rely upon Section 367.171(7), Florida Statutes, to vest jurisdiction in the Public Service Commission, in that, Lake Suzy Utilities service area did not "traverse county boundaries" on the date its Application was filed;
- b. Lake Suzy Utilities' failure to provide notice to the Board, as required by Section 367.045(2), Florida Statutes, has denied the County the opportunity to evaluate the impact of the deletion of service areas in DeSoto County upon the residents and commercial interests in the affected area. It would be manifestly contrary to the public interest not to allow the Board the opportunity to review the application and raise those concerns which affect the citizens of DeSoto County, Florida; and
- c. Lake Suzy Utilities is in arrears on several payments for water charges owed to DeSoto County, Florida, pursuant to a water supply contract entered into between the County and Lake Suzy Utilities on the 12th day

of April, 1995. In light of Lake Suzy Utilities' inability to meet current financial obligations, the County is concerned that expansion of the Utility's service area, and taking on of new responsibilities, will not be in the interest of the Utility's present customers.

5. Wherefore, the Board requests the following relief:
- a. That the Public Service Commission deny the Application;
 - b. That a copy of the Application, and all supporting documents, be forwarded to the Board, c/o Robert Koncar, DeSoto County Administrator, 201 East Oak Street, Arcadia, Florida 34266, and further, that the Board be given an opportunity to fully review the Application, and raise any objections it may have regarding the Application, before any consideration is given by the Public Service Commission to approve the Application;
 - c. That pursuant Rule 25-.22.029, F.A.C., the Public Service Commission issue a Notice of Proposed Agency Action concerning the Application; and
 - d. If necessary, the Public Service Commission hold a public hearing on the Application.

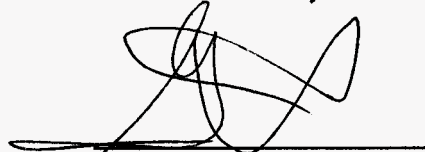
Respectfully submitted,



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941/494-5757

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served upon the attached service list by United States Mail this 28th day of July, 1997.



Gary Alan Vorbeck

Service List

Lake Suzy Utilities, Inc.
12408 SW Sheri Avenue
Lake Suzy, Fl 34266

Charlotte County Attorney's Office
18500 Murdock Circle
Port Charlotte, Fl 33948-1094