

ORIGINAL
FILE COPY

LAKE SUZY UTILITIES, INC.



(941) 629-2439

12408 S.W. SHERI AVENUE
LAKE SUZY, FLORIDA 33821

97 AUG -4 1997

July 31, 1997

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

RE: Objection to application for amendment and deletion of territory (Docket # 970657-WS) by Charlotte and Desoto Counties

Dear Ms. Bayo,

Upon review of the objection letter dated July 25, 1997 from Charlotte County and the objection by Desoto County dated July 28, 1997, these objections are untimely and should not be considered relevant to this case.

Charlotte County as they have stated is a publicly owned water and wastewater system owned and operated by Charlotte County, Florida pursuant to Chapters 125 and 153 Florida Statutes. Lake Suzy was acting under the provisions of Chapter 153.04 (1)(b) which clearly states that Charlotte County is prohibited from serving the requested territory without the written consent of a private utility with the ability to serve. In this case Lake Suzy has the ability and willingness to serve the requested territory.

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

Charlotte County also stated that they were not notified which is clearly not the case pursuant to Lake Suzy's letter to Ms. Bobby Reyes (PSC Council) giving her a copy of a certified copy of the Notice stamped June 12, 1997 at the 4th floor of the Administration building at 18500 Murdock Circle, Port Charlotte, Florida. As to there concern that the Notice did not go to the proper personnel, Lake Suzy can not respond to that issue since we do not know the internal operations of Charlotte County and we were provided the list from the PSC staff stating who and where we were to send Notices. Also the Notice was published in the Charlotte Sun Herald on June 4, 1997 which is a paper of general circulation in Charlotte and Desoto Counties.

Charlotte County also mentioned Lake Suzy having received a letter from Mr. Thomas J. Orlosky on May 1, 1997 which is correct; however, this letter was received well after the execution of the contract between Lake Suzy and Haus Development dated

DOCUMENT NUMBER-DATE

07847 AUG -4 97

FPSC-RECORDS/REPORTING

April 26, 1997. Lake Suzy had requested in our April 22, 1997 letter to meet with Charlotte County to present our case but was not afforded the opportunity. Also in Mr. Orlosky's letter he stated that "it would be contrary to the interests of CCU's ratepayers and bondholders to relinquish this portion of CCU's franchise area." This statement does not hold much merit in that the overall general ratepayers would not be positively or negatively affected by the addition or deletion of the 49 EDUs in this territory request. The ratepayers who would be most positively affected by being served by Lake Suzy would be the existing and future land owners in this subdivision as evidenced by their contract and letters in support of Lake Suzy providing service. The bondholders are not being affected in this matter since Lake Suzy is complying with Chapter 153 by the fact that Lake Suzy has services available to the parcel.

Charlotte County's final objection is Resolution 97-21 by Desoto County rescinding PSC jurisdiction. Lake Suzy filed the amendment and deletion of territory because of the fact that the PSC is the holder of the only valid certificates of Lake Suzy. We could not file with Desoto County in that Desoto County would not have the authority to grant territory outside of its boundaries and Lake Suzy could not file with Charlotte County since Charlotte County has given their jurisdiction back to the PSC. Also, Lake Suzy could not file for an original certificate with the PSC in that the PSC has never canceled Lake Suzy's existing certificates. The only option that Lake Suzy had at the time was the application for amendment and deletion of territory as filed.

As stated above Lake Suzy would like to request that the PSC deny Charlotte County a hearing in this application process and for the PSC to proceed with the application as filed and the deficiencies as corrected on July 17, 1997.

Desoto County's first objection states that the Resolution 97-21 precludes Lake Suzy from filing with the PSC. As stated above the application for amendment and deletion of territory was the only option that Lake Suzy had at the time. Also according to Resolution 97-21, Desoto County has not notified all the existing water and wastewater systems located in Desoto County, has not accepted nor processed applications for County Certificates of Authorization from the private utilities within Desoto County, nor to date has Desoto County prepared regulations governing investor-owned water and wastewater systems operating in their county. Again the only choice Lake Suzy had at the time was to file with the PSC.

Desoto County is claiming that they have not been notified and again this is simply not correct. Exhibit U revised 7/17/97 within the application is the Affidavit by Lake Suzy whereby we have sworn that the Notices were sent according to the list attached as provided by the PSC staff. Once mail is received at the County, we are not familiar with their internal handling; however, we are certain that the Notice was sent by regular mail. And Lake Suzy is certain that the Notice was published in the Charlotte, Desoto and Englewood Sun Herald on June 4, 1997.


Desoto County mentioned that they have not had time to evaluate the deletion of territory that is within the application filed by Lake Suzy. This seems to contradict the Board action as stated in the February 9, 1997 letter whereby Desoto County requested Lake Suzy to delete this territory from Lake Suzy's service area. (enclosed)

As to Desoto County's final point as to Lake Suzy's being in arrears on water charges is simply not correct. Desoto County has not provided their internal audits as requested and Lake Suzy has been paying 1/12th of the water cost per month as allowed in the Water Supply Contract dated April 12, 1995.

Lake Suzy would like to request that the PSC deny Desoto County's request for a hearing and their ability to intervene in this application process as this would be contrary to the interest of Lake Suzy's customers and the property owners involved in this application as their objections are untimely.

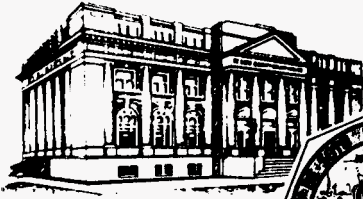
Thank you in advance for your consideration in this matter and if you should have any questions or require more information, please advise.

Sincerely,


Dallas A. Shepard, President
Lake Suzy Utilities, Inc.

cc: Charlotte County Attorneys office
Desoto County Administrator
Gatlin, Shiefelbein & Cowdery, P.A.

BOARD OF COUNTY COMMISSIONERS
DESOTO COUNTY



Court House
East Oak Street
Post Office Drawer 2076
Arcadia, Florida 33821
(813) 993-4800
SunCom 740-4800

FREDERICK C. NUTT
ADMINISTRATOR

GARY ALAN VORBECK
ATTORNEY

February 9, 1994

Mr. Dallas Shepard
President
12408 S.W. Sheri St.
Lake Suzy Utilities
Lake Suzy, Florida 33821

Dear Mr. Shepard:

As we have discussed, the County has received a request to allow Charlotte County Utilities, Inc., to provide water and sewer utilities service to property owned by Mr. William Byrd. The Board of County Commissioners has requested that Lake Suzy Utilities, Inc., provide the County with a letter confirming that you have no objection to Charlotte County Utilities providing water and sewer service to the Byrd tract which is located within you service area.

Should you have any questions regarding this, please contact me.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
DESOTO COUNTY, FLORIDA


FREDERICK C. NUTT
Administrator

FCN/bh

cc: James W. Herston, P.E., Charlotte Engineering & Surveying
Bill Keener, Director, Charlotte County Utilities