

GATLIN, SCHIEFELBEIN & COWDERY, P.A.

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OF COUNSEL  
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ORIGINAL  
FILE COPY

September 18, 1997

Blanca S. Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

HAND DELIVERY

Re: Docket No. 970696-WS  
Application for Extension of Service Area (Amendment of  
Certificates Nos. 27-W and 24-S) by FLORIDA CITIES WATER  
COMPANY in Lee County, Florida.

Dear Ms. Bayo:

I have reviewed the docket file for the above proceeding and  
was surprised to find that it did not include the following  
correspondence.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EMG \_\_\_\_\_
- LEA 1 \_\_\_\_\_
- LEH \_\_\_\_\_
- OT \_\_\_\_\_

1. August 7, 1997 letter from the Staff of the Southwest  
Florida Regional Planning Council, addressed to you,  
indicating Staff's recommendation that the proposed extension  
is consistent with the regional comprehensive plan.

2. August 13, 1997 letter from Mary H. Rutledge, addressed  
to me, indicating her objection to the proposed extension.

3. August 19, 1997 letter from Jerry S. Shannon, addressed  
to you, indicating his objection to the proposed extension on  
the basis of concern that the extension may cost him money.

Both Ms. Rutledge and Mr. Shannon are property owners of  
record in Area "C" of the requested extension. Please note that  
Florida Cities Water Company seeks to add Area "C" to its water  
(not wastewater) service area.

WAS \_\_\_\_\_  
OTH \_\_\_\_\_

RECEIVED & FILED  
EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
09520 SEP 18 5  
FPSC-RECORDS/REPORTING

Blanca S. Bayo, Director  
Division of Records & Reporting  
Docket No. 970696-WS  
September 18, 1997  
Page 2

Florida Cities Water Company has sent letters to Ms. Rutledge and Mr. Shannon to attempt to alleviate their concerns. As indicated therein, the proposed extension would, if approved, impose no obligations on them if they do not wish to receive central water service. No response to our letters has been received.

While we do not believe that the objections of Ms. Rutledge and Mr. Shannon are legally valid, we believe that the Commission should be aware of them.

We request that Commission Staff contact Ms. Rutledge and Mr. Shannon to further attempt to alleviate their concerns.

All of the foregoing correspondence is enclosed herewith for filing in the referenced docket.

Please acknowledge receipt of the foregoing by stamping the enclosed extra copy of this letter and returning same to my attention. Thank you for your assistance.

Sincerely,



Wayne L. Schiefelbein

WLS/pav  
Enclosures

cc w/encl.: Wayne E. Daltry, Southwest Florida Regional  
Planning Counsel  
Mary H. Rutledge  
Jerry S. Shannon  
Doug Young  
Roger Ytterberg  
Lila Jaber, Esq. (Hand Delivery)  
John Williams (Hand Delivery)

09/21



Southwest Florida Regional Planning Council

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-3909 (941) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720

FAX 941-656-7724

August 7, 1997

Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
TALLAHASSEE, FL 32399-0870

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RE: IC&R Project #97-274

Notice of application to the Florida Public Service Commission to amend its Certificates 27-W and 24-S to add water and wastewater territory in Lee County, Florida.

Dear Sir or Madam:

The staff of the Southwest Florida Regional Planning Council reviews various proposals, Notifications of Intent, Preapplications, permit applications, and Environmental Impact Statements for compliance with regional goals, objectives, and policies, as determined by the Strategic Regional Policy Plan. The staff reviews such items in accordance with the Florida Intergovernmental Coordination and Review Process (Chapter 29I-5, F.A.C.), and adopted regional clearinghouse procedures

These designations determine Council staff procedure in regards to the reviewed project. The four designations are:

Less Than Regionally Significant and Consistent no further review of the project can be expected from Council.

Less Than Regionally Significant and Inconsistent Council does not find the project of regional importance, but will note certain concerns as part of its continued monitoring for cumulative impact within the noted goal area.

Regionally Significant and Consistent project is of regional importance, and appears to be consistent with Regional goals, objectives, and policies

Regionally Significant and Inconsistent project is of regional importance and does not appear to be consistent with Regional goals, objectives, and policies. Council will oppose the project as submitted, but is willing to participate in any efforts to modify the project to mitigate the concerns.

To: Director, Division of Records and Reporting  
Date: August 7, 1997  
Re: SWFRPC #97-274  
Page: 2

The above referenced document has been reviewed by this office, based on the information contained in the document, and on local knowledge, has been found Regionally Significant and Consistent with adopted goals, objectives, and policies of the Strategic Regional Policy Plan. Should you or any other party request this finding to be reconsidered, please contact Nichole Gwinnett, IC&R Coordinator, with this request, or any questions concerning staff review of this item. This recommendation will be discussed at the next scheduled Council meeting. Should Council action differ from the staff recommendation, you will be notified.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

  
Wayne E. Daltry  
Executive Director

WED/NLG

cc: Wayne Schiefelbein, Gatlin, Schiefelbein & Cowdery, P A.

SEARCHED  
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SERIALIZED  
FILED



Southwest Florida Regional Planning Council

4960 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-3909 (941) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33916-3455 SUNCOM 749-7720  
FAX 941-656-7724

August 7, 1997

Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
TALLAHASSEE, FL 32399-0870

RECEIVED

AUG 11 1997

OFFICE OF  
WAYNE L. SCHIEFELBEIN

RE: IC&R Project #97-274

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Dear Sir or Madam:

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DOCUMENT NUMBER-DATE

09520 SEP 18 97

FPSC-RECORDS/REPORTING



To: Director, Division of Records and Reporting  
Date: August 7, 1997  
Re: SWFRPC #97-274  
Page: 2

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Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

  
Wayle E. Daltry  
Executive Director

WED/NLG

cc: Wayne Schiefelbein, Gatlin, Schiefelbein & Cowdery, P.A.

Mary H. Rutledge  
832 Sunset Vista Drive  
Fort Myers, FL 33919

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August 13, 1997

Wayne L. Schiefelbein  
Gatlin, Schiefelbein & Cowdery, P.A.  
1709-D Mahan Drive  
Tallahassee, FL 32308

Re: 06-46-25-00-00007.0000  
09-46-25-05-00191.0480

Pursuant to the letter I just now received regarding Florida Cities Water Company expanding water and wastewater territory in my area, I object to said expansion.

Sincerely,

*Mary H. Rutledge, Director*  
Mary H. Rutledge

Mary H. Rutledge  
832 Sunset Vista Drive  
Fort Myers, FL 33919

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August 13, 1997

Wayne L. Schiefelbein  
Gatlin, Schiefelbein & Cowdery, P.A.  
1709-D Mahan Drive  
Tallahassee, FL 32308

Re: 06-46-25-00-00007.0000  
09-46-25-05-00191.0480

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Sincerely,

  
Mary H. Rutledge



RECEIVED  
AUG 22 1997

OFFICE OF  
WAYNE L. SCHIEFELBEIN

August 19, 1997

The Director  
Division of Records and Reporting,  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Fla. 32399-0870

Dear Sir:

The proposed addition to add water lines to Section 6, Township 46 South, Range 15 East, All the Section, Less the South 1320 feet thereof in Briarcliff is totally unacceptable. I have lived on South Pebble Lane since 1989. During this time we have sunk a 200 foot well and dug not one but two drain fields. We have also purchased above the ground well equipment. But all these expenditures pale in comparison to the MSBU taxing unit which was established to pave South Pebble and control the overflow of water. Therefore, let it be crystal clear to you, that I do not, under any circumstances wish to invest any more money in improvement. I will cost me money today as well as all my tomorrows.

Sincerely,

Jerry S. Shannon

# FLORIDA CITIES WATER COMPANY

August 19, 1997

Mary H. Rutledge  
832 Sunset Vista Drive  
Fort Myers, FL 33919

Dear Ms. Rutledge:

Wayne Schiefelbein, Esq., has asked me to contact you in response to your recent letter concerning the proposed expansion of Florida Cities Water Company's service area.

Your letter cited a specific concern re: Sections 6 and 9. The proposal applies to water only in these Sections, providing a potential for service where none presently exists. As a private utility, all we can do is offer to make service available in our certificated area, we have no authority to require connections to our system.

In summary, the expansion provides another option to property owners. It requires nothing of them.

I hope this explanation addresses your concerns. If you would care to call me at 936-0247 extension 214, I would be pleased to discuss the matter with you and answer any questions that you might have.

Sincerely,  
FLORIDA CITIES WATER COMPANY

  
Roger Ytterberg  
Regional Manager

cc: Wayne L. Schiefelbein

Rutledge/mh/97

**FLORIDA CITIES  
WATER COMPANY**

**RECEIVED**

SEP 11 1997

September 8, 1997

OFFICE OF  
WAYNE L. SCHIEFELBEIN

Jerry S. Shannon  
16200 South Pebble Lane  
Fort Myers, FL 33912

**RE: WATER FRANCHISE EXPANSION, SECTION 6, TOWNSHIP 46 SOUTH, RANGE  
25 EAST**

Dear Mr. Shannon:

We have been asked to add a response to your letter of August 19, 1997 to the Florida Public Service Commission.

You expressed concern re: the possibility of mandatory connections and the creation of an MSBU to finance build-out. Your concern is understandable but you may rest assured that, as an investor-owned utility, all we can do is to offer to make service available to property owners in a service territory. We have no authority to mandate connections. Furthermore, we cannot create a bonding or taxing unit as that is a function of government that would require a referendum.

In summary, the proposed expansion provides another option to property owners. It requires nothing of them.

I trust this properly addresses your concerns. If you would care to call me at 936-0247 extension 214, I would be pleased to discuss the subject with you and attempt to answer any additional questions you may have.

Sincerely,  
**FLORIDA CITIES WATER COMPANY**

  
Roger Ytterberg  
Regional Manager

cc: Wayne L. Schiefelbein  
Douglas Young