

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of)	
Florida Water Services)	
Corporation for Amendment of)	DOCKET NO. 980261-WS
Certificates Nos. 570-W and)	
496-S to add territory in)	
Charlotte County.)	
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OBJECTION OF LAKE SUZY UTILITIES, INC. TO
THE APPLICATION OF FLORIDA WATER SERVICES
CORPORATION FOR AMENDMENT OF CERTIFICATE NOS. 570-W
AND 496-S TO ADD TERRITORY IN CHARLOTTE COUNTY,
AND DEMAND FOR FORMAL HEARING

LAKE SUZY UTILITIES, INC. (hereinafter referred to as "Lake Suzy"), by and through its undersigned attorneys and pursuant to Sections 120.569, 120.57 and 367.045, Florida Statutes, and Rule 25-22.036, Florida Administrative Code, hereby files this Objection to the Application of Florida Water Services Corporation (hereinafter referred to as "Florida Water") for Amendment of Certificates Nos. 570-W and 496-S to add territory in Charlotte County, and demands a Formal Hearing, and states that:

1. The name and address of the Objecting Party is:

ACK	<input checked="" type="checkbox"/>	
AFA	<input type="checkbox"/>	LAKE SUZY UTILITIES, INC.
APP	<input type="checkbox"/>	12408 S.W. Sheri Avenue
CAF	<input type="checkbox"/>	Lake Suzy, Florida 34266

2. The name and address of the person authorized to receive notices and communications in respect to this application is:

EAG	<input type="checkbox"/>	Martin S. Friedman, Esquire
LEG	<input checked="" type="checkbox"/>	Rose, Sundstrom & Bentley, LLP
LIN	<input checked="" type="checkbox"/>	2548 Blainstone Pines Drive
OPC	<input type="checkbox"/>	Tallahassee, Florida 32301

3. The substantial interests of Lake Suzy are affected by this application since Lake Suzy has a pending application before

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the Commission in Docket No. 970657-WS, which includes the territory described in Florida Water's application. Further, Lake Suzy has an agreement with the owner of 41 of the 49 lots in the disputed territory and it will be unable to meet its obligation to that owner if Florida Water's application is granted. Lake Suzy is currently serving one of the lots in the disputed territory at the request of the lot owner on an emergency basis since the lot owner's well was experiencing taste and odor problems. Further, Lake Suzy has lines in close proximity and adjacent to the disputed territory which are capable of serving the disputed territory. Lake Suzy customers will not benefit from economics of scale if Lake Suzy is not allowed to utilize those lines to serve the disputed territory.

4. The following issues of material fact are in dispute:
 - a. Whether Florida Water has the technical ability to serve the disputed territory.
 - b. Whether Florida Water has the financial ability to serve the disputed territory, particularly in light of the fact that it is in arrears in payments of capacity fees to Charlotte County from whom it obtains bulk water and wastewater service in the approximate amount of \$570,000.
 - c. Whether Florida Water sufficient water and wastewater capacity to serve the disputed territory.
 - d. Whether Lake Suzy can provide service to the disputed territory at a lower cost.

- e. Whether it is in the public interest for Florida Water to serve the disputed territory.
5. The following ultimate facts are alleged:
 - a. The Application proposes to add territory to a portion of the territory requested by Lake Suzy for water service in Lake Suzy's Application for an Original Certificate as filed on September 11, 1997 Docket No. 970657-WS.
 - b. The Application proposed to add territory to a portion of the territory that can be served pursuant to the Water and Wastewater Service Agreement between Lake Suzy and Charlotte County dated December 9, 1997.
 - c. Lake Suzy has an agreement with the landowner of 41 of the 49 lots (Haus Development Agreement dated April 26, 1997), and is currently serving another lot.
 - d. Lake Suzy has water lines that can be easily extended to serve the disputed territory.
 - e. Lake Suzy can serve water to the disputed territory as a lower rate and more efficiently.
 - f. Lake Suzy has sufficient water supply to serve the disputed territory, whereas Florida Water does not have sufficient capacity.
 - g. It is in the public interest for Lake Suzy to serve the disputed territory.


6. Lake Suzy is entitled to relief by virtue of Section 367.045, Florida Statutes.

WHEREFORE, Lake Suzy requests that the Commission:

- a. Hold a formal administrative hearing; and
- b. Deny Florida Water's application.

Respectfully submitted this 20th day of March, 1998, by:

ROSE, SUNDSTROM & BENTLEY, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(850) 877-6555
(850) 656-4029 FAX


MARTIN S. FRIEDMAN
FL Bar ID No. 0199060
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and one copy of the foregoing has been furnished by U.S. Mail to Matthew J. Feil, Esquire, Florida Water Services Corporation, P.O. Box 609520, Orlando, Florida 32860-9520, Haus Development, Inc., Post Office Box 3024, Port Charlotte, Florida 33949, Martha Young Burton, Assistant County Attorney, 18500 Murdock Circle, Port Charlotte, Florida 33948-1094 and by hand delivery to Bobbie Reyes, Esquire, Florida Public Service Commission, Legal Division, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 this 20th day of March, 1998.


MARTIN S. FRIEDMAN

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