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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

April 13, 1998

Mr. R. H. McCann
3721 Diamond Oak Way
Zellwood, Florida 32798

VIA CERTIFIED MAIL

RE: Docket No. 980307-WS - Application for certificate to provide water and wastewater service in Orange County by Zellwood Station Co-op, Inc.

Dear Mr. McCann:

Thank you for your letter filed with the Commission on April 3, 1998, in which you request that the application for an original certificate in the above-referenced docket be denied.

In an attempt to address some of your concerns, please note that Zellwood Station Co-Op, Inc., is a utility already in existence, operating without a certificate. Pursuant to Section 367.045, Florida Statutes, Zellwood must apply for a certificate of authorization from this Commission. The Commission has never had the opportunity to establish rates for this utility. Further, pursuant to caselaw and Section 367.011, Florida Statutes, the Commission has exclusive jurisdiction over a utility with respect to authority, service, and rates, regardless of what the prospectus from the developer says.

Your letter has been placed in the correspondence portion of this docket. On March 31, 1998, the Commission received a protest letter and request for a hearing filed on behalf of Banbury Village Association, Inc. Based on that letter of protest, a hearing has been tentatively scheduled for December 16-18, 1998. At the beginning of the hearing, customers will have an opportunity to address the Commission on this docket. We expect that the issues you raised in your letter to be fully litigated at the hearing. You will receive notice of the hearing at the appropriate time.

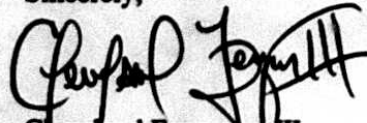
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If you have any questions, please contact me at (850) 413-6185. Thank you for your attention to this matter.

Sincerely,



Cleveland Ferguson III
Staff Attorney

CF/lw/dr

cc: Thomas A. Cloud, Esq., Gray, Harris & Robinson, P.A.
Division of Water and Wastewater (Lowe, Messer, Walker)
Division of Legal Services (Brubaker)
✓ Division of Records and Reporting

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