

ORIGINAL

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Attorneys at Law

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Tallahassee, Florida 32312

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RECORDS AND REPORTING  
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OF COUNSEL  
THOMAS F. WOODS

July 27, 1998

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

HAND DELIVERY

RE: Docket No. 971663-WS  
Petition of Florida Cities Water Company for limited proceeding to recover environmental litigation costs for North and South Ft. Myers Division in Lee County and Barefoot Bay Divisions in Brevard County.

Dear Ms. Bayo:

Enclosed on behalf of Florida Cities Water Company, for filing in the above docket, are an original and fifteen (15) copies of an Affidavit of Notice of Hearing.

Also enclosed for filing is an original and fifteen (15) copies of our Certificate of Service related to the above filing.

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

Thank you.

RECEIVED & FILED  
*[Signature]*  
FPSC-BUREAU OF RECORDS

Very truly yours,

*[Signature]*

B. Kenneth Gatlin

- CK \_\_\_\_\_
- FA 1 \_\_\_\_\_
- PP \_\_\_\_\_
- JAF \_\_\_\_\_
- JMU \_\_\_\_\_
- JTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 2 \_\_\_\_\_
- LIN 5 \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS 1 \_\_\_\_\_
- OTH \_\_\_\_\_

BKG/ldv  
Enclosures  
cc: Harold McLean, Esq. (via hand delivery)  
Rosanne Gervasi, Esq. (via hand delivery)

DOCUMENT NUMBER-DATE

07905 JUL 27 98

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of )  
FLORIDA CITIES WATER COMPANY )  
Barefoot Bay and Ft. Myers Divisions, )  
for Limited Proceeding to Recover )  
Environmental Litigation Costs )  
for North and South Ft. Myers Divisions )  
in Lee County and Barefoot Bay )  
Division in Brevard County, Florida )

Docket No. 971663-WS

AFFIDAVIT

STATE OF: FLORIDA

COUNTY OF: SARASOTA

BEFORE ME, the undersigned authority, duly authorized by law to administer oaths and to take acknowledgments, on this day personally appeared Michael E. Murphy, who, after being duly sworn on oath, deposes and says:


1. That the Affiant has personal knowledge of the matters set forth herein;
2. That on July 20, 1998, a copy of the Notice attached hereto was sent by regular U.S. Mail to all customers of record within the service areas of Florida Cities Water Company, Barefoot Bay and North & South Ft. Myers Divisions.

FURTHER AFFIANT SAYETH NOT.

*Michael E. Murphy* V.P.

Michael E. Murphy  
Vice President & Chief Financial Officer  
Florida Cities Water Company

SWORN TO and SUBSCRIBED BEFORE me on this 21<sup>st</sup> day of July, 1998.

 ANITA J. CHUBBUCK  
State of Florida  
My Comm. Exp. Aug. 18, 1998  
Comm. # CC 401596

PERSONALLY KNOWN BY ME  
 PRODUCED I.D.

*Anita J. Chubbuck*  
NOTARY PUBLIC  
State of Florida at large

July 16, 1998

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of FLORIDA	)	
CITIES WATER COMPANY, seeking	)	Docket No. 971663-WS
recovery of environmental	)	
litigation costs in a Limited	)	
Proceeding for its NORTH and	)	
SOUTH FT. MYERS DIVISIONS in	)	
Lee County and BAREFOOT BAY	)	
DIVISION in Brevard County,	)	
<u>Florida</u>	)	

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission will hold a hearing regarding the petition of Florida Cities Water Company, (Petitioner) seeking approval of recovery of environmental litigation costs in rates for its North and South Ft. Myers Divisions in Lee County and Barefoot Bay Division in Brevard County, Florida, at the following time and place:

9:30 a.m., Tuesday, August 12, 1998  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 148, Betty Easley Conference Center  
Tallahassee, Florida 32399-0850

Thursday and Friday, August 13 and 14, 1998, have also been reserved for continuation of the hearing. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded.

PURPOSE AND PROCEDURE

The purpose of this hearing is to consider the Petition of Florida Cities Water Company for increased water and wastewater rates, and any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement.

At hearing, all parties shall be given the opportunity to present testimony and other evidence on the issues identified by the parties in the

DOCUMENT NUMBER-DATE

07905 JUL 27 88

FPSC-RECORDS/REPORTING

prehearing order. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Any person requiring some accommodation at this hearing, because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least five calendar days prior to the hearing. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

**JURISDICTION**

The Florida Public Service Commission is vested with jurisdiction over the subject matter by the provisions of Chapter 367, Florida Statutes. This hearing will be governed by said Chapter as well as Chapter 120, Florida Statutes and Chapters 25-9, 25-22 and 25-30, Florida Administrative Code.

**APPLICABLE STATUTES AND RULES**

Sections 367.081, 367.0816, 367.101, Florida Statutes, and any other relevant sections of Chapter 367, Florida Statutes, are applicable to this proceeding, as well as Chapter 120, Florida Statutes, and Rules 25-9, 25-22 and 25-30, Florida Administrative Code.

**FLORIDA CITIES WATER COMPANY**  
North & South Ft. Myers Divisions    Barefoot Bay Division  
7401 College Parkway                    931 Barefoot Blvd., Suite 2  
Fort Myers, Florida 33907              Barefoot Bay, Florida 32976  
Tel: 941/936-0247                         Tel: 561/664-5916



**Statement of Mailing With Permit Imprints First-Class Mail**

(For Priority Mail, Use Form 3605-R)

FCWC Surcharge Code \*971663-W5  
 - Ft Myers & Barefoot Bay  
 Psc Notice of Hearing (in Tallahassee)

**MAILER: Complete all items by typewriter, pen, or indelible pencil. Use Form 3606 if you need a receipt.**

<b>Mailer's Information</b>	Post Office of Mailing <i>Osprey 71</i>		Date <i>7/20/98</i>	Processing Category <input type="checkbox"/> Letters (DMM C050) <input type="checkbox"/> Flats (DMM C050) <input type="checkbox"/> Automation-Compatible Flats (DMM C820) <input type="checkbox"/> Irregular Parcels (DMM C050)		USPS Authorized Mailing ID Code(s) <i>Mailed 7/20/98</i>	
	Permit No. <i>32</i>	Federal Agency Cost Code	Mailing Statement Seq. No.				
	Permit Holder's Name & Address (Include ZIP Code) <i>Aviator 2140 Surf Gate Panama 713423</i>		Telephone Number <i>921-5209</i>	Receipt No. <i>4483</i>			
	No. Sacks	No. Trays	No. Pallets	No. Other			
	Weight of a Single Piece _____ pounds						
CTAS/Cust. Ref. ID		Total Pieces in Mailing <i>22148</i>		Total Weight of Mailing		Barcoded Flats Sacking Based On (DMM M823) <input type="checkbox"/> 125 pcs. <input type="checkbox"/> 15 lbs.	
Name & Address of Individual or Organization for Which Mailing Is Prepared (If other than the permit holder)			Name and Address of Mailing Agent (If other than the permit holder)			Check All That Apply <input type="checkbox"/> Centralized Postage Payment <input type="checkbox"/> Plant loaded to <input type="checkbox"/> BMAU Entry at <input type="checkbox"/> Orig. <input type="checkbox"/> Dest. A / O ZIP _____ <input type="checkbox"/> Orig. <input type="checkbox"/> Dest. SCF 3D ZIP _____ <input type="checkbox"/> Orig. <input type="checkbox"/> Dest. ADC _____	

<b>Postage Computation</b>	<input checked="" type="checkbox"/> For mailings of automation-compatible letter-size pieces (see DMM C810), other than cards, go to Part A on the reverse of this form.	Postage (From Reverse Side)	Part A	\$ <i>6364.49</i>
	<input checked="" type="checkbox"/> For mailings of non-automation-compatible letter-size pieces (see DMM C050), other than cards, weighing .6875 lb. (11 ounces) or less, go to Part B on the reverse of this form.		Part B	\$
	<input checked="" type="checkbox"/> For mailings of non-letter-size pieces (see DMM C050), other than cards, or of automation-compatible flats (see DMM C050), weighing .6875 lb. (11 ounces) or less, go to Part C on the reverse of this form.		Part C	\$
	<input checked="" type="checkbox"/> For mailings of postal cards and postcards (see DMM E100), go to Part D on the reverse of this form.		Part D	\$
<input type="checkbox"/> Additional Postage Payment (State reasons) <input type="checkbox"/> Special Service (Specify)		No. Pieces	Rate/Fee Per Pc. = \$	
<b>Total Postage</b>			\$ <i>6364.49</i>	

<b>Certification</b>	*The signature of a mailer certifies that it will be liable for and agrees to pay, subject to appeals prescribed by postal laws and regulations, any revenue deficiencies assessed on this mailing. (If this form is signed by an agent, the agent certifies that it is authorized to sign this statement, that the certification binds the agent and the mailer, and both the mailer and the agent will be liable for and agree to pay any deficiencies.)	
	The submission of a false, fictitious, or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to \$10,000 (18 USC 1001). In addition, a civil penalty of up to \$5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).	
	I hereby certify that all information furnished on this form is accurate and truthful, that this mailing meets all applicable CASS/MASS standards for address and barcode accuracy, and that the material presented qualifies for the rates of postage claimed.	
*Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred) <i>C. Adams</i> <i>Ball</i> <i>1404-81</i>		Telephone Number <i>921-5209</i>

<b>USPS Use Only</b>	Single-Piece Weight _____ pounds	Are the figures at left adjusted from mailer's entries? <input type="checkbox"/> Yes <input type="checkbox"/> No			
	Total Pieces	Total Weight	If "Yes," Reason		
	Total Postage				
	Check One <input type="checkbox"/> Verification Not Scheduled <input type="checkbox"/> Presort Verification Performed as Scheduled		Date Mailer Notified	Contact	By (Initials)
	I CERTIFY that this mailing has been inspected concerning: (1) eligibility for the rate of postage claimed; (2) proper preparation (and presort where required); (3) proper completion of the statement of mailing; and (4) payment of the required annual fee.				Round Stamp (Required)  <i>343</i>
Signature of Weigher			Time	AM PM	

# Form 3600-R — First-Class Other Than Priority Mail — Permit Imprint

## Postage Computation

Presort / Automation Discounts	Net Rate	Count (Pcs)	Charge	Presort / Automation Discounts	Net Rate	Count (Pcs)	Charge
<b>A Automation-Compatible Letter (DMM C810)</b>				<b>B Non-Automation-Compatible Letter .6875 lb. (11 oz.) or less</b>			
Barcoded (5-Digit)			pcs. = \$	Carrier Route			pcs. = \$
Barcoded (3-Digit)			pcs. = \$	Presorted First-Class			pcs. = \$
ZIP+4 Presort			pcs. = \$	Single-Piece Rate			pcs. = \$
Nonpresorted ZIP+4			pcs. = \$	Nonstandard Surcharge (If Applicable)			
Carrier Route			pcs. = \$	Presort First-Class and Carrier Route	.05		pcs. = \$
Presorted First-Class	.279	17631	pcs. = \$ 4919.05	Single-Piece Rate	.11		pcs. = \$
Single-Piece Rate	.32	4517	pcs. = \$ 1445.44				

Total — Part A (Carry to front of form) \$ 6364.49 Total — Part B (Carry to front of form) \$ \_\_\_\_\_

<b>C Check One:</b> <input type="checkbox"/> Automation-Compatible Flat (DMM C050) <input type="checkbox"/> Other Nonletter — .6875 lb. (11 oz.) or less				<b>D Postal Cards and Postcards</b>			
ZIP+4 Barcoded* (3/5-Digit)			pcs. = \$	ZIP+4 Barcoded* (5-Digit)	.163		pcs. = \$
ZIP+4 Barcoded* (Nonpresorted)			pcs. = \$	ZIP+4 Barcoded* (3-Digit)	.170		pcs. = \$
Carrier Route			pcs. = \$	ZIP+4 Barcoded* (Nonpresorted)	.186		pcs. = \$
Presorted First-Class			pcs. = \$	ZIP+4 Presort*	.173		pcs. = \$
Single-Piece Rate			pcs. = \$	Nonpresorted ZIP+4*	.189		pcs. = \$
Nonstandard Surcharge (If Applicable)				Carrier Route	.160		pcs. = \$
3/5-Digit ZIP+4 Barcoded, Presorted First-Class, and Carrier Route	.05		pcs. = \$	Presorted First-Class	.179		pcs. = \$
Nonpresorted ZIP+4 Barcoded and Single-Piece Rate	.11		pcs. = \$	Single-Piece Rate	.200		pcs. = \$
				Nonstandard Surcharge (If Applicable)			
				Presorted First-Class and Carrier Route	.05		pcs. = \$
				Single-Piece Rate	.11		pcs. = \$

344

\* Available only for Automation-Compatible Flats (DMM C820) \* Available only for Automation-Compatible Cards (DMM C820)

Total — Part C (Carry to front of form) \$ \_\_\_\_\_ Total — Part D (Carry to front of form) \$ \_\_\_\_\_

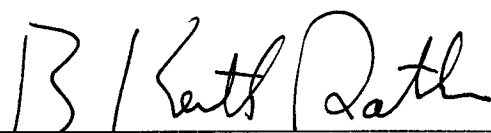
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of FLORIDA )  
CITIES WATER COMPANY, seeking )  
recovery of environmental )  
litigation costs in a Limited )  
Proceeding for its NORTH and )  
SOUTH FT. MYERS DIVISION in )  
Lee County and BAREFOOT BAY )  
DIVISION in Brevard County, )  
Florida )

Docket No. 971663-WS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of an Affidavit of Notice of Hearing has been furnished by hand delivery to Rosanne Gervasi, Esq., Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 and to Harold McLean, Esq., Office of Public Counsel, c/o The Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, FL 32399-1400, on this 27<sup>th</sup> day of July, 1998.

  
\_\_\_\_\_  
B. KENNETH GATLIN  
Fla. Bar #0027966  
Gatlin, Schiefelbein & Cowdery  
3301 Thomasville Road, Suite 300  
Tallahassee, Florida 32312  
(850) 385-9996

Attorneys for  
FLORIDA CITIES WATER COMPANY