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ADMINISTRATIVE LAW
GOVERNMENTAL LAW
PUBLIC UTILITY LAW

January 29, 1999

VIA HAND DELIVERY

RECORDS AND REPORTING

99 JAN 29 11 4: 06

RECEIVED-PPSC

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

RE: Docket No. 981637-WS
In Re: Application of United Water Florida, Inc. for
amendment of water and wastewater certificates in St.
Johns County, Florida

Dear Ms. Bayo:

Enclosed please find the original and fifteen copies of the Motion for Acknowledgment of Party Status and/or Petition for Intervention of St. Johns County, Florida to be filed in the above-referenced docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter and returning the same to me.

Thank you for your assistance in this matter.

Very truly yours,

Suzanne Brownless
Suzanne Brownless
Attorney for St. Johns County, Florida

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 1
- LIN 3
- OPC cc: All parties of record
- RCH _____
- SEC 1

WAS

OTH

One copy

Done 2/01/99

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

01211 JAN 29 99

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

| | |
|--------------------------------------|-------------------------|
| IN RE: Application by United Water) | |
| Florida, Inc. for an extension of) | DOCKET NO. 981637-WS |
| service area in St. Johns County,) | Filed: January 29, 1999 |
| Florida.) | |
| _____) | |

MOTION FOR ACKNOWLEDGMENT OF PARTY STATUS
AND/OR PETITION FOR INTERVENTION

Pursuant to §§367.045, 120.569, 120.57(1), Florida Statutes, and Rules 25-22.039 and 25-22.036, Florida Administrative Code, ST. JOHNS COUNTY, FLORIDA (County) files this Motion For Acknowledgment of Party Status and/or Petition for Intervention and in support thereof states as follows:

1. Petitioner is St. Johns County, Florida, whose address is:

St. Johns County
Bill Young, Interim Director of Utilities
P.O. Box 3006
St. Augustine, Florida 32085-3006

For purposes of the service of pleadings and other documents in these proceedings, the address of the Petitioner is that of their counsel:

Suzanne Brownless
Suzanne Brownless, P.A.
1311-B Paul Russell Road
Suite 201
Tallahassee, Florida 32301

ACKNOWLEDGMENT

2. Pursuant to §367.045(4), F.S., United Water Florida, Inc. (United) notified the County by certified mail of its intention to amend its certificated service territory to serve a development located at the intersection of CR-210 and U.S. 1 on November 17, 1998. The last publication date of the notice of application was

November 27, 1998. Therefore, the time in which the County had to object to the amendment of United's certificated area and request a hearing ran on December 28, 1998.

3. On December 17, 1998 the County filed with the Commission Resolution No. 98-226, in which the County clearly objected to the application of United to extend its service territory to the intersection of CR-210 and U.S. 1 (§ 8). In the Resolution the County also stated its own plans to serve the area at the request of several customers (§§ 5, 7) and stated that its plans to serve the area were consistent with the County's 1994 County Utility Master Plan, a part of the County's Comprehensive Land Use Plan approved by the Department of Community Affairs pursuant to §§163.3161-3211, Florida Statutes. The fair implication of the County's statement that its service of the contested area is provided for in its County Utility Master Plan is that United's service of the territory is inconsistent with, and contrary to, the County's approved Comprehensive Land Use Plan (§ 5). In the Resolution the County did not request an administrative hearing. However, the County filed its objection subsequent to the timely filing of a §367.045(4), Florida Statutes, objection and request for administrative hearing filed by Intercoastal Utilities, Inc. (Intercoastal) on December 15, 1998.

4. An administrative hearing having already been requested by Intercoastal, a statutory party to this proceeding, the County's timely filing of its objection raising the issue of inconsistency with the County's Comprehensive Land Use Plan makes it a statutory

party by operation of law pursuant to the provisions of §367.045(4), Florida Statutes.

5. However, should the Commission find that the failure of St. Johns County to specifically request a hearing or to abide by the technical formalities of Rule 25-22.036, Florida Administrative Code, disqualifies the County from statutory party status in this proceeding under §367.045(4), Florida Statutes, the County is nonetheless entitled to party status in this proceeding pursuant to §§120.569 and 120.57(1), Florida Statutes, and Rules 25-22.039 and 25-22.036, Florida Administrative Code, as intervenors in this docket for the reasons stated below.

INTERVENTION

6. St. Johns County's substantial interests are affected by this application in that St. Johns County owns and operates a potable water treatment and distribution system and wastewater treatment and collection facilities currently serving approximately 32,500 customers. St. Johns County's water treatment plants are permitted to provide in excess of 7.0 MGD and its wastewater treatment plants are permitted to treat approximately 5.0 MGD. The County currently serves customers along the US-1 North corridor and has been requested by several customers, one of which is a developer of a 600 unit approved Planned Unit Development (PUD), to provide service to the corner of US-1 North and CR-210, the area which United Water Florida, Inc. (United) has included in this application. The intersection of US-1 North and CR-210 is described as a future County service area in the 1994 County Master

Utility Plan and the County has included this area in its overall water and wastewater development plans. The County is authorized and desires to provide water and wastewater services to the US-1 North and CR-210 intersection and surrounding area. The County has the technical and financial resources to provide environmentally benign and economically efficient water and wastewater services to the proposed development and surrounding area.

7. The disputed issues of material fact known at this time include, but are not limited to, the following:

- a. Whether there is a need for service in the territory proposed for service by United.
- b. Whether United has the technical and financial ability to serve the proposed territory.
- c. Whether the provision of service to the proposed territory is consistent with the water and wastewater sections of the Comprehensive Land Use Plan of St. Johns County and the St. Johns County Utility Master Plan.
- d. Whether United has sufficient water and wastewater capacity to serve the proposed territory.
- e. If United does not currently have sufficient water and wastewater capacity to serve the proposed territory, the cost of providing those services to the proposed territory and whether those costs are less expensive than the costs of the County, JEA, Intercoastal or other utilities.
- f. Whether customers or developers in the proposed territory

desire to be served by United, JEA, Intercoastal, the County or some other utility.

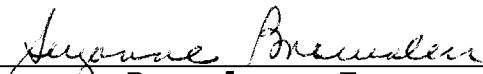
- g. What is the effect of serving the proposed territory on the rates and capital structure of United?
- h. Whether it is in the public interest for United to serve the disputed territory.
- 8. The following ultimate facts are alleged:
 - a. United has requested that its certificate be amended to provide service to an area which is located adjacent to territory already served by the County and which the County has been requested by several customers to serve.
 - b. The proposed service territory is part of the area which currently contains less than 200 customers and is included in the County Utility Master Plan and service by United is contrary to the provisions of the St. Johns County Comprehensive Land Use Plan.
 - c. United is unable to serve this proposed territory without significant additions to its distribution, collection and treatment facilities whose cost will substantially impact the rates and capital structure of United and increase the rates of its customers.
 - d. The County has the ability to serve the current and proposed customers of the proposed territory more efficiently than does United.
 - e. That it is not in the public interest for United to serve the disputed territory.

f. That it is in the public interest for the County to serve the disputed territory.

9. The County is entitled to the relief it seeks pursuant to Section 367.045, Florida Statutes, and Commission orders and case law relevant to the disposition of water and wastewater territorial disputes.

WHEREFORE, St. Johns County requests that the Commission acknowledge its party status in this docket or, in the alternative, grant its petition for intervention in this docket and completely deny United's application for amendment of its certificated territory.

Respectfully submitted this 29th day of January, 1999 by:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided by United States Mail or Hand Delivery (*) to the persons listed below on this 29th day of January, 1999:

Scott Schildberg, Esq.
Martin, Ade, Birchfield &
Mickler, P.A.
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2548 Blairstone Pines Drive
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*Rosanne Gervasi, Esq.
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Division of Legal Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850



Suzanne Brownless, Esq.

c:2643