

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for } DOCKET NO. 980657-WS
amendment of Certificates Nos.}
279-W and 226-S to add }
territory in Seminole County }
by Florida Water Services }
Corporation }

INTERVENOR, SEMINOLE COUNTY'S,
PREHEARING STATEMENT

COMES NOW, Intervenor, Seminole County, by and through its
undersigned attorneys, and pursuant to the Order Establishing
Procedure dated August 5, 1998, files this Prehearing Statement.

(a) Witnesses. Frances Chandler, Director, Planning and
Development Department, Seminole County Government. The subject
matter of Ms. Chandler's testimony will be the 1991 Seminole
County Comprehensive Plan, as amended, and the Plan's relation
to the proposed service expansion area. Ms. Chandler's
testimony, as reflected in her prefiled testimony, will also
address the Chuluota Small Area Study, the Study's relation to
the proposed service expansion area, and actions taken by the
Board of County Commissioners of Seminole County.

AFA
APP
CAF
CMU
CTR
EAG
LEG 1
MAS 3
OPC
RRR
SEC 1
WAW 1
OTH

(b) **Exhibits.** All exhibits will be introduced through Ms. Frances Chandler, Seminole County Planning and Development Director.

(1) Seminole County Comprehensive Plan, as amended.

(2) The East Seminole County Rural Area Plan.

(3) Chuluota Small Area Study: Volume I, Final Report; Volume II, Transportation Analysis; Executive Summary; and Appendix A, Public Participation.

(4) Proposed Ordinance being considered for County adoption on May 11, 1999, relating to, among other things, amending the land use designation for property located within the proposed expansion area and the modification of the East Area urban/rural boundary.

(5) The Seminole County Land Development Code.

(6) Maps, etc., relating to the above.

(c) **Statement of Basic Position in the Proceedings.**

Florida Water Service Corporation (FWS) filed a notice of application with the Public Service Commission requesting an amendment to its service area in southeast Seminole County. The area proposed for amendment by FWS includes a considerable amount of property currently designated on the County's Future Land Use Map as Rural-5 (one dwelling unit per five acres),

Rural-3 (one dwelling unit per three acres), and Suburban Estates (one dwelling unit per one acre), in addition to properties designated as both public and private recreational lands. The future land use designations, along with associated zoning classifications, were adopted by the Board of County Commissioners (the Board) and were based, in part, upon the boundaries of the FWS service area, and upon a study titled "East Seminole County Rural Area Plan." As these properties are located in the County's Rural Area, development may occur without the need for urban services (i.e., central water and sewer services, paved roads, etc.), while maintaining consistency with the County's Comprehensive Plan.

The existing service area and proposed amendment area both lie in the southeast portion of the County, outside the established urban boundary line as set forth in the County's Comprehensive Plan. This line was adopted, for among other reasons, to prevent and deter urban sprawl and protect the County's established Rural Area. The line separates urban and rural intensities of development and serves to limit the provision of certain urban services in the Rural Area in accordance with the Plan's Future Land Use Element Policies 2.11.10 and 2.11.11. These policies are included within a series of policies which address protection of the County's

Rural Area by discouraging the expansion of private water and sewer services areas and the construction of new development with water and/or sewer systems.

The amendments, as proposed, would be inconsistent with, at a minimum, the Plan's Future Land Use Policies 2.11.10 and 2.11.11, and represent an encroachment of urban services into the County's established Rural Area and therefore should be denied.

(d) **Questions of Fact.** The County does not consider any questions of fact to be at issue. The County believes that all parties would essentially stipulate to any material facts.

(e) **Questions of Law.** Is FWS' proposed expansion area inconsistent with the goals, policies and objectives of the Seminole County Comprehensive Plan? The County contends that an expansion of the certification area into the County's Rural Area would be inconsistent with the goals, policies and objectives of the Seminole County Comprehensive Plan, specifically, at a minimum, the Plan's Future Land Use Policies 2.11.10 and 2.11.11.

(f) **Policy Questions at Issue.** Should the permitting activities of the Public Service Commission be consistent with the growth management laws of the State of Florida as reflected in Part II, Chapter 163, Florida Statutes (1998) and the local

comprehensive plans implementing said laws? The County contends that meaningful comprehensive planning may only occur when all growth-related activities are taken into account. The availability of urban services and the location of urban services plays an important part in the framework of the Seminole County Comprehensive Plan which was adopted pursuant to the State's growth management laws. For instance, the Seminole County Comprehensive Plan discourages urban uses within the Rural Area. Placing these areas within a utility's approved service area, however, can only add additional pressure to develop the County's remaining rural areas. Although the County has the ultimate control over land use decisions, the availability of urban services such as water and sewer provides an additional layer of development pressure to the development decision. Ms. Frances Chandler, Seminole County Planning and Development Director, will address the issue.

(g) The parties have not stipulated to any issues.

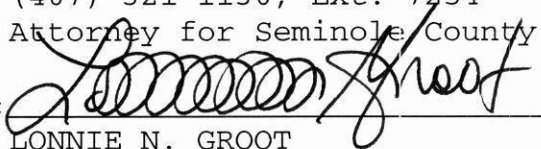
(h) There are no pending motions at this time.

(i) The County has complied with all requirements of the Order Establishing Procedure.


RESPECTFULLY SUBMITTED, this 30th day of April, 1999.

ROBERT A. McMILLAN
County Attorney
for Seminole County, Florida
Florida Bar No: 0182655
Seminole County Services Building
1101 East First Street
Sanford, Florida 32771
(407) 321-1130, Ext. 7254
Attorney for Seminole County

By: _____


LONNIE N. GROOT
Deputy County Attorney
Florida Bar No. 0266094

By: _____


ROBERT H. GEBaide
Assistant County Attorney
Florida Bar No. 0123447

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and fifteen true and correct copies of Intervenor, Seminole County's, prehearing statement have been furnished by Federal Express to the Division of Records and Reporting, Florida Public Service Commission, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; and one (1) true and correct copy of the testimony and the foregoing notice has been furnished by U.S. Mail to Mr. Michael Rich, President, Coalition for Responsible Econlockhatchee Development, Inc., P.O. Box 621047, Oviedo, FL 32762; Mr. Charles K. Smith, P.E., City of Oviedo, 400 Alexandria Boulevard, Oviedo, FL 32765; Mr. Matthew J. Feil, Esquire, Florida Water Services Corporation, P. O. Box 609520, Orlando, FL 32860-9520; Alafaya Utilities, Inc., C/O Martin Friedman, Esquire, Rose Law Firm, 2548 Blairstone Pines Dr., Tallahassee, FL 32301; and Mr. Stanley E. Stevens, 377 River Woods Trail, Chuluota, FL 32766, on this 30th day of April, 1999.

ROBERT A. McMILLAN
County Attorney
for Seminole County, Florida
Florida Bar No: 0182655
Seminole County Services Building
1101 East First Street
Sanford, Florida 32771
(407) 321-1130, Ext. 7254
Attorney for Seminole County

By: Robert Gebaide
ROBERT H. GEBaide
Assistant County Attorney
Florida Bar No. 0123447