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August 11, 1999

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Docket No. 981781-SU

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Citizens' Prehearing Statement for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Stephen C. Reilly
Associate Public Counsel

SCR/dsb
Enclosures

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OFFICE OF THE PUBLIC COUNSEL

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REC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of)
NORTH FORT MYERS UTILITY, INC.)
for extension of wastewater)
service in Lee County, Florida.)
_____)

Docket No. 981781-SU

CITIZENS' PREHEARING STATEMENT

The Citizens of the State of Florida "Citizens", by and through their undersigned attorney, file this Prehearing Statement:

A. All Known Witnesses.

The names of all known witnesses that may be called by the Citizens and the subject matter of their testimony are as follows:

1. Ted L. Bidy, P.E./P.L.S., will testify concerning whether it is in the public interest to extend North Fort Myers Utility's (NFMU or utility) service territory to serve the Buccaneer Mobile Estates Community and in particular explore the necessity and propriety of the dismantling of Buccaneer's wastewater treatment plant prior to seeking approval from the Commission. This witness will also discuss various alternatives to the proposal being advanced by NFMU which better serve the public interest.

2. Kimberly H. Dismukes, will testify on the same subjects as Witness Bidy, with particular emphasis on quantifying the economic consequences to the ratepayers of the various alternatives for providing wastewater service to the Buccaneer Mobile Estates Park.

B. All Known Exhibits

The only known exhibits which will be sponsored by Witness Bidy are as follows:

EXHIBIT TLB-1 Notice from Buccaneer dated May 14, 1993 showing Average Water Use Per Household as 4-6,000 Gallons Per Month.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- EXHIBIT TLB-2 Letters dated 11/19/97 and 7/7/98 from law firm of Rose, Sundstrom & Bentley to Owners of Buccaneer Estates.
- EXHIBIT TLB-3 Lee County Ordinance No. 91-01.
- EXHIBIT TLB-4 Letter dated May 18, 1998 from law firm of Rose, Sundstrom & Bentley to Manufactured Home Communities, Inc, Owner of Buccaneer Estates.
- EXHIBIT TLB-5 Record of Water Usage by Buccaneer Estates for Period July, 1998 through June, 1999 from records of Lee County Utilities.
- EXHIBIT TLB-6 Calculation of average monthly wastewater charges based upon Buccaneer becoming a Bulk Customer of NFMU and passing through these charges to residents.
- EXHIBIT TLB-7 Calculation of average monthly wastewater charges by NFMU with Buccaneer Residents being retail customers of NFMU.
- EXHIBIT TLB-8 July 31, 1998 letter from Johnson Engineering, Inc. to NFMU.
- EXHIBIT TLB-9 Florida Rural Water Association Report on Buccaneer Wastewater Collection System.

The only known exhibit which will be sponsored by Witness Dismukes is the Appendix attached to her June 21, 1999, prefiled testimony, which outlines her qualifications and experience in the field of public utility regulation.

C. Basic Position

It is not in the public interest for NFMU to provide wastewater service directly to the residents of Buccaneer Mobile Estates.

D.-F. Issues of Fact, Law and Policy.

The following are questions of fact, law and policy which the Citizens believe are at issue in this docket. Included with each issue is a statement of the Citizens' position and the identification of the witness to advance that position.

ISSUE 1: Was it feasible for MHC-DeAnza Financing Limited Partnership (Park Owner or MHC) to renew Buccaneer's wastewater treatment plant's DEP operating permit so that MHC could continue to provide wastewater service to the residents of Buccaneer Mobile Estates?

POSITION: Yes.
WITNESS: Ted L. Bidy

ISSUE 2: Did any law or ordinance require or mandate that the Buccaneer Mobile Estates treatment plant be dismantled and the park interconnected to NFMU's system?

POSITION: No.
WITNESS: Kimberly H. Dismukes

ISSUE 3: Was the Park Owner's dismantling of the Buccaneer wastewater treatment plant and NFMU's interconnection of the park with its system, without prior Commission approval, a violation of Florida law and the Commission's rules?

POSITION: Yes.
WITNESS: Kimberly H. Dismukes
Ted L. Bidy

ISSUE 4: Should the Commission grant NFMU's request to collect the service availability fee from the residents of Buccaneer Mobile Estates?

POSITION: No.
WITNESS: Kimberly H. Dismukes
Ted L. Bidy

ISSUE 5: Is it in the public interest for NFMU to provide wastewater service directly to the residents of Buccaneer Mobile Estates?

POSITION: No.
WITNESS: Ted L. Bidy

ISSUE 6: Would the public interest be better served if the Commission approved one of the alternatives being offered by the Citizens?

POSITION: Yes.

WITNESS: Kimberly H. Dismukes
Ted L. Bidy

G. Stipulated Issues.

The parties have not stipulated to any issues at this time.

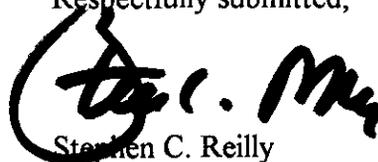
H. Pending Motions.

There are no pending motions at this time. The Park Owner filed a Motion for a Protective Order from a request for Production of Documents, purportedly submitted by the Public Service Commission, which was never submitted by the Commission, making that motion a nullity.

I. Requirements That Cannot Be Complied With.

There are no further requirements of the Commission Order No. PSC-99-0420-PCO-SU that cannot be complied with at this time.

Respectfully submitted,



Stephen C. Reilly
Associate Public Counsel

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Attorney for the Citizens
of the State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 981781-SU**

I HEREBY CERTIFY that a correct copy of the foregoing Citizens' Prehearing Statement has been furnished by U.S. Mail or hand delivery* to the following parties on this 11th day of August, 1999.

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