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December 30, 1999

VIA FEDERAL EXPRESS

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

ORIGINAL

Re: Consolidated Docket Nos. ~~980261~~-WS and 970657-WS

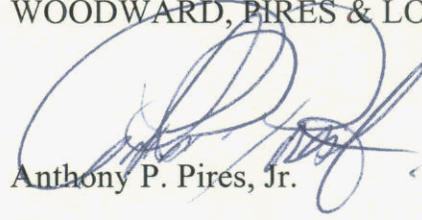
Dear Ms. Bayo:

Enclosed for filing please find an original and fifteen (15) copies of DeSoto County, Florida's Prehearing Statement in the above-referenced matter. Also enclosed is a computer disc with the Prehearing Statement thereon.

If you have any questions, please do not hesitate to contact me.

Sincerely,

WOODWARD, PIRES & LOMBARDO, P.A.



Anthony P. Pires, Jr.

DOCUMENT NUMBER - DATE
00006 JAN-38
FPSC-RECORDS/REPORTING

- AFA _____
- APP _____ APP:app
- CAF _____
- CMU _____ Enclosures as noted.
- CTR _____ cc: All parties.
- EAG _____
- LEG _____ 2
- MAS _____ 3
- OPC _____
- RFR _____
- SEC _____
- WAW _____ 1
- OTH _____

Please Respond to: Pelican Bay

Pelican Bay 801 Laurel Oak Dr., Suite 710, Naples, FL 34108 (941) 566-3131 Fax (941) 566-3161
Marco Island 606 Bald Eagle Dr., Suite 500, P.O. Box 1, Marco Island, FL 34146 (941) 394-5161 Fax (941) 642-6402

RECEIVED
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificates
to operate a water and wastewater
utility in Charlotte and DeSoto
Counties by Lake Suzy Utilities, Inc.

DOCKET NO. 970657-WS

ORIGINAL

In re: Application for amendment
of Certificates Nos. 570-W and
496-S to add territory in
Charlotte County by Florida
Water Services Corporation.

DOCKET NO. 980261-WS

FILED: December 30, 1999

DESOTO COUNTY, FLORIDA'S
PREHEARING STATEMENT

COMES NOW, DeSoto County ("DeSoto County"), by and through its undersigned counsel and hereby files this Prehearing Statement pursuant to the Order revising Dates For Prehearing, Hearing, Testimony, Prehearing Statements and Briefs issued in this docket.

1. **STATEMENT OF BASIC POSITION**

DeSoto County by adoption on March 5, 1997 of Resolution No. 97-22, reasserted jurisdiction over investor-owned water and wastewater systems in DeSoto County, Florida, and excluded DeSoto County from the provisions of Chapter 367, Florida Statutes.

Lake Suzy Utility, Inc. ("Lake Suzy") on June 3, 1997, filed an application with the Commission for Amendment of Certificates Nos. 480-W and 416-S to Add and Delete Territory in Charlotte and DeSoto Counties. At the direction of the Commission staff, Lake Suzy on September 11, 1997 filed an Application for Certificates to Operate a Water and Wastewater Utility in Charlotte and DeSoto Counties. On July 16, 1998, DeSoto County adopted Resolution Number 1998-32 establishing the DeSoto County Water and Sewer District Number One in the unincorporated area of DeSoto County. The area requested to be serviced by Lake Suzy is located within DeSoto County Water and Sewer District Number One. On February 23, 1999, DeSoto County adopted Ordinance Number 1999-01 that established the framework for DeSoto County's consideration of water and sewer franchise applications and also established a framework for utility rate-making by DeSoto County.

On June 8, 1999, DeSoto County, by adoption of its Ordinance 1999-10, pursuant to the procedures and criteria contained within Ordinance Number 1999-01, awarded Florida Water Services Corporation ("Florida Water") a water service franchise in DeSoto County.

Lake Suzy's applications before the Commission request that Lake Suzy be granted territory in DeSoto County that: a) overlaps the water service area and territory granted by DeSoto County to Florida Water by Ordinance 1999-10, and b) comprises a portion of the DeSoto County Water and Sewer District Number One established by DeSoto County. Florida Water has already been granted authority by DeSoto County to serve a portion of the requested area. The Commission should find that DeSoto County has exclusive jurisdiction over Lake Suzy and the area in DeSoto County sought to be served by Lake Suzy.

2. ISSUES AND POSITIONS

Issue 1: **Should the Commission recognize and defer to the jurisdiction and decision of DeSoto County as to the area in DeSoto County proposed to be serviced by Lake Suzy?**

Position Yes. (Koncar)

Issue 2: **Is it in the public interest for Lake Suzy to be granted the proposed amended territory requested in its application?**

Position No. (Koncar)

Issue 3: **Would the granting of Lake Suzy's application for amendment result in competition with or duplication of any other system or portion of a system?**

Position Yes (Koncar)

Issue 4: **Does Lake Suzy have the water supply ability and capacity from DeSoto County to service the areas requested under its applications to the Commission?**

Position No. (Koncar)

Issue 5: Does the Commission have the jurisdictional authority to grant Lake Suzy's application for amendment of its service area for those areas within DeSoto County?

Position No.

3. DESOTO COUNTY'S WITNESSES

<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
<u>Direct</u>		
Robert Koncar	DeSoto County	1, 2, 3, 4,

4. EXHIBITS

<u>Witness</u>	<u>Proffered By</u>	<u>I.D.No.</u>	<u>Description</u>
Robert Koncar	DeSoto County	RK-1	DeSoto County Resolution Number 1997-22
		RK-2	Water Sale and Purchase Agreement
		RK-3	DeSoto County Resolution Number 1998-32

DeSoto County reserves the right to identify additional exhibits for the purposes of cross examination.

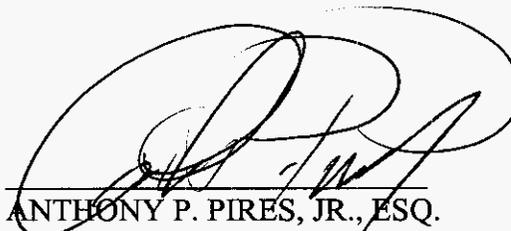
5. PROPOSED STIPULATIONS

At or before the Prehearing Conference DeSoto County intends to propose stipulations as to the admissibility of certain evidence and as necessary, factual issues not in dispute.

6. PENDING MATTERS

No settlement has been reached and there have been no further discussions with Lake Suzy and DeSoto County.

Respectfully submitted,

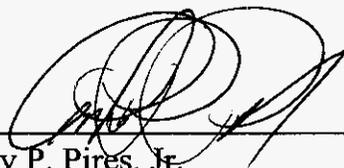


ANTHONY P. PIRES, JR., ESQ.
Counsel For DeSoto County
801 Laurel Oak Drive
Suite 710
Naples, Florida 34108
(941)-566-3131

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing DeSoto County, Florida's Prehearing Statement was furnished via Regular U.S. Mail to Martin Friedman,

Rose, Sundstrom & Bentley, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301; John Marks, III, Knowles, Marks & Randolph, 215 South Monroe Street, #130, Tallahassee, Florida 32301; Timothy Vaccaro, Florida Public Service Commission, Legal Division, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; and Via U.S. Mail to Charlotte L. Sopko, Haus Development, Inc., 603 N. Eastwood Avenue, Mount Prospect, Il. 60056-2007; and Matthew Feil, Florida Water Services, Legal Department, Post Office Box 609520, Orlando, Florida 32860-9520 on this ~~30th~~ day of December, 1999.



Anthony P. Pires, Jr.