

ORIGINAL

RECORDS AND REPORTING

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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

and  
In Re: Application for )  
Amendment of Certificate Nos. )  
570-W and 496-S in Charlotte )  
County by Florida Water Services )  
Corporation. )

DOCKET NO. 980261-WS

**PREHEARING STATEMENT OF  
CHARLOTTE COUNTY**

The Board of County Commissioners of Charlotte County, Florida ("County") pursuant to Rule 25-22.038(Fla. Admin. Code) and Order No. PSC-99-2047-PCO-WS, files this Prehearing Statement.

(a) **The name of all known witnesses that may be called by the party, and the subject matter of their testimony;**

Witness: Richard E. Howell, Director of the Charlotte County Utilities  
Department

Subject: Charlotte County's legal right and its readiness, willingness and ability to provide service to the area in question. Florida Water Services Company technical and financial ability to provide service to the area in question.

(b) **a description of all known exhibits that may be used by the party, whether they may be identified on a composite basis, and the witness sponsoring each;**

AFA  
APP  
CAF  
CMU  
CTR  
EAG  
LEG 2  
MAS 3  
OPC  
RRR  
SEC 1  
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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
00021 JAN-38  
FPSC-RECORDS/REPORTING

Exhibit REH-1. Resolution No. 91-79 - establishing the Charlotte County Water and Sewer District No. 1 and setting forth the boundaries.

Witness: Richard E. Howell, Director of the Charlotte County Utilities Department

Exhibit REH-2. A breakout of the amounts owed to Charlotte County by Florida Water Service Company as of October 1, 1998.

Witness: Richard E. Howell, Director of the Charlotte County Utilities Department

Composite Exhibit REH-3. Charlotte County's response to the Commission staff's First Request for Production of Documents.

Witness: Richard E. Howell, Director of the Charlotte County Utilities Department

Composite Exhibit REH-4. Charlotte County's responses, with attached documents, to the Commission staff's First Set of Interrogatories.

Witness: Richard E. Howell, Director of the Charlotte County Utilities Department

**(c) a statement of basic position in the proceeding;**

Position: Charlotte County through the Charlotte County Utilities Department has a legal right to serve the territory in question and is ready, willing and able to provide that service.

**(d) a statement of each question of fact the party considers at issue, the party's**

**position on each such issue and which of the party's witnesses will address the issue.**

Issue: Does Charlotte County, through the Charlotte County Utilities Department, have a legal right to serve the area in question?

Position: Yes.

Witness: Richard E. Howell, Director of the Charlotte County Utilities Department

Issue: Does the dispute between Florida Water Services and Charlotte County Utilities regarding the non-payment of connection fees affect Florida Water Services' technical and financial ability to provide service to the area in question?

Position: Yes.

Witness: Richard E. Howell, Director of the Charlotte County Utilities Department

Issue: Is Charlotte County, through the Charlotte County Utilities Department, ready, willing and able to provide service to the area in question?

Position: Yes.

Witness: Richard E. Howell, Director of the Charlotte County Utilities Department

**(e) a statement of each question of law the party considers at issue and the party's position on each such issue.**

None.

**(f) a statement of each policy question the party considers at issue, the party's**

**position on each such issue and which of the party's witnesses will address the issue;**

None.

**(g) a statement of issues that have been stipulated to by the parties;**

None.

**(h) a statement of all pending motions or other matters the party seeks action upon.**

None.

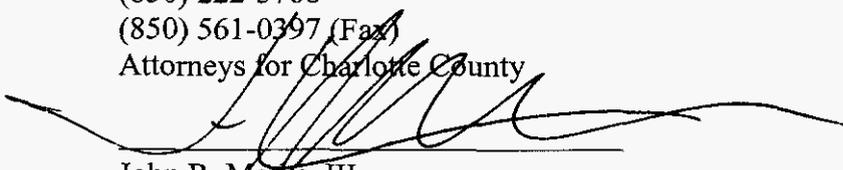
**(i) a statement as to any requirement set forth in this order which cannot be complied with and the reasons therefore.**

None.

Respectfully submitted this 3<sup>rd</sup> day of January, 2000.

Renee Lee, County Attorney  
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John R. Marks, III  
Fla. Bar No. 143026  
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and one copy of the foregoing has been furnished by U.S. Mail to Matthew J. Feil, Esquire, Florida Water Services Corporation, Post Office Box 609520, Orlando, Florida 32860-9520; Martha Young Burton, Esquire, Assistant County Attorney, 18500 Murdock Circle, Port Charlotte, Florida 33948-1094; Charlotte L. Sopha, Haus Development, Inc., 603 North Eastwood Avenue, Mt. Prospect, Illinois 60056-2007, Frederick Bechtold, Esquire, Vorbeck & Vorbeck, 207 Magnolia Street, Arcadia, Florida 34266, Martin S. Friedman, Esquire, Rose, Sundstrom & Bentley, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301; Anthony P. Pires, Jr., Woodward, Pires & Lombardo, P.A., 801 Laurel Oak Drive, Suite 710, Naples, Florida 34108 and by hand delivery to Timothy Vaccaro, Esquire, Florida Public Service Commission, Legal Division, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, this 3<sup>rd</sup> day of January, 2000.



John R. Marks, III