

STATE OF FLORIDA

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DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(850) 413-6199

Public Service Commission

January 10, 2000

ORIGINAL

Mr. Charles Sheppard  
Mr. Kenneth Wankowski  
145 Breeze Hill  
Lake Wales, FL 33853-7300

**Re: Docket No. 990356-WS - Application for Staff-Assisted Rate Case in Polk County by Bieber Enterprises, Inc. d/b/a Breeze Hill Utilities.**

Dear Sirs:

This letter is in response to your Petition for Formal Hearing filed with the Division of Records and Reporting on December 22, 1999. Because your timely protest has been received, this matter is now scheduled for a formal administrative hearing on April 25-26, 2000. You are a formal party to the proceeding. As part of the hearing process, each party will be responsible for filing prehearing statements and testimony on the issues in dispute, attending a prehearing conference, and presenting testimony and conducting cross-examination at the hearing itself.

Attached to this letter is a Notice of Informal Conference for an issue identification teleconference to be held on January 21, 2000. At this conference, the parties will participate by telephone to discuss what issues will be presented at hearing and to attempt to reach an agreement on a set of issues to present to the prehearing officer at the Prehearing Conference. Of course, resolution of issues by agreement of the parties is always encouraged. In order for the issue identification conference to proceed more expeditiously, and for the convenience of all the parties, it is customary for each party to fax their set of issues to all the other parties prior to this conference. My fax number is (850) 413-6180. If you have access to a fax machine, please provide me with the number so that I may fax staff's issues to you prior to the informal conference. If you do not have access to a fax machine, please let me know and I will mail staff's issues in time for you to review them prior to the informal conference. Please also fax or mail your set of issues to me in time for my review prior to the issue identification conference.

In your petition you state the following: (1) Breeze Hill's operating expenses are overstated; (2) Breeze Hill's rate base is overstated; and (3) the Commission-proposed rates are excessive. However, because these are such broad statements, we are unable to anticipate what portions of operating expenses and rate base you believe to be overstated, as well as how the Commission-

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proposed rates are excessive. Therefore, when drafting your issues for the informal conference, please specify precisely what portions of rate base you believe to be overstated and why, what portions of the operating expenses you believe to be overstated and why, and how the Commission-proposed rates are excessive and your basis for this assertion. Again, if all parties agree upon one set of issues, this will assist each party in drafting their respective prehearing statements.

Finally, the Prehearing Officer will issue an Order Establishing Procedure shortly, setting out the controlling dates for this matter and the procedures to be followed. If you need additional information or if I can be of any further assistance, please do not hesitate to contact me at (850) 413-6179.

Sincerely,



Stephanie Crossman  
Attorney

SAC

cc: Division of Legal Services (Gervasi)  
Division of Records and Reporting  
Division of Water and Wastewater (Casey, Butts, Davis, Golden, Rieger, Willis, Rendell)

State of Florida



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

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**DATE:** January 10, 2000  
**TO:** All Parties of Record and Interested Persons  
**FROM:** Stephanie Crossman, Staff Attorney, Division of Legal Services  
**RE:** Docket No. 990356-WS - Application for staff-assisted rate case in Polk County by Bieber Enterprises, Inc. d/b/a Breeze Hill Utilities.

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Please note that an informal meeting has been scheduled at the following time and place:

9:30 a.m. Friday, January 21, 2000  
Room 362, Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida

The meeting will be between Commission Staff, Breeze Hill Utilities, and the petitioners, Mr. Sheppard and Mr. Wankowski, to discuss the issues to be presented at the formal hearing scheduled for this matter on April 25-26, 2000.

All interested persons are welcome to attend and participate in this conference. Although attendance is not required, we strongly encourage parties to attend, either in person or by telephone, and participate. To participate by telephone, please call (850) 921-6455 or Suncom 291-6455 at 9:30am on January 21, 2000. If you have any questions about the meeting, please call Stephanie Crossman at (850) 413-6179.

SAC/lw

cc: Division of Water and Wastewater (Casey, Butts, T.Davis, Golden, Rieger)  
Division of Records & Reporting