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July 31, 2000

BY HAND DELIVERY

Blanca L. Bayó  
Director, Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket Nos. 990696-WS and 992040-WS

Dear Ms. Bayó:

Enclosed for filing on behalf of Nocatee Utility Corporation are the original and fifteen copies of its Response to St. Johns County's Request for Acknowledgment of Intervenor Status.

By copy of this letter, these documents have been furnished to the parties on the service list. If you have any questions regarding this filing, please call.

Very truly yours,

Richard D. Melson

RDM/mee  
Enclosures  
cc: Service List

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- LEG 2
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- RGO 1
- SEC \_\_\_\_\_
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

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RECORDS AND REPORTING

DOCUMENT NUMBER-DATE  
12449 OCT-28  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates )  
to operate water and wastewater utility )  
in Duval and St. Johns Counties )  
by Nocatee Utility Corporation )  
\_\_\_\_\_ )

Docket No. 990696-WS

In re: Application for certificates to )  
operate water and wastewater utility )  
in Duval and St. Johns Counties )  
by Intercoastal Utilities, Inc. )  
\_\_\_\_\_ )

Docket No. 992040-WS

Filed: October 2, 2000

**NOCATEE'S RESPONSE TO ST. JOHNS COUNTY'S  
REQUEST FOR ACKNOWLEDGMENT OF INTERVENOR STATUS**

NOCATEE UTILITY CORPORATION ("NUC") hereby files its response to St. Johns County's (County's) Request for Acknowledgment of Intervenor Status or, In the Alternative, Petition for Intervention.

1. NUC does not oppose County's request for acknowledgment of intervenor status in these consolidated dockets. Although the County's original petition to intervene was filed solely in Docket No. 992040-WS, relating to Intercoastal's certificate application, the County correctly observes that intervention was granted after Intercoastal's application docket had been consolidated with NUC's application docket. The order granting intervention did not specifically limit County's participation to Intercoastal's application. It therefore appears that the County has already been granted intervenor status in the consolidated dockets.

2. By not opposing the County's request for acknowledgment of intervenor status, NUC does not waive its right to require, pursuant to Rule 25-22.039, Florida Administrative Code, and the Order Granting Intervention, that the County "takes the case as it finds it."

3. In this regard, NUC notes that:

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12449 OCT-28

FPSC-RECORDS/REPORTING

- (a) County did not file a timely protest to NUC's application.
- (b) County did not file a timely motion to dismiss NUC's application.
- (c) As reflected in the Order on Prehearing Conference (Order No. PSC-00-1462-PCO-WS), County took "no position" on all issues related to NUC's application.

4. Unless and until County seeks to take a position adverse to NUC, it is premature to determine how the County's status as an intervenor is affected by the timing of its intervention and the procedural history of this case. Nevertheless, NUC expressly reserves its right to object to any future action or position taken by the County in this docket on the grounds that such action or position is inconsistent with the County's having taken the case as it found it.

WHEREFORE, NUC does not object to the Commission acknowledging that the previous grant of intervention in this proceeding gave the County intervenor status with respect to Nocatee's application, provided that the Commission also reaffirms that the County took the case as it found it.

RESPECTFULLY SUBMITTED this 2nd day of October, 2000.

HOPPING GREEN SAMS & SMITH, P.A.

By:   
\_\_\_\_\_  
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Attorneys for Nocatee Utility Corporation

## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on the following persons by U.S. Mail or Hand Delivery (\*), this 2nd day of October, 2000.

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