

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT COURT OF FLORIDA

FLORIDA CITIES WATER COMPANY,)
)
Appellant,)
-vs-)
)
FLORIDA PUBLIC SERVICE COMMISSION,)
)
Appellees.)
)
_____)

CASE NO.
1999-1666

VOLUME 1

Transcript of record
in the matter of:

Application for increased wastewater rates
by
Florida Cities Water Company -
North Ft. Myers Division
in
Lee County.

Docket No. 950387-SU

DOCUMENT NO. DATE
18502-00 12/29/2000
EPSC - COMMISSION CLERK

B. Kenneth Gatlin
Kathryn G.W. Cowdery
Ruden law firm
215 South Monroe Street, Suite 815
Tallahassee, Florida 32301

ATTORNEYS FOR APPELLANT

David Smith
Christiana Moore
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ATTORNEYS FOR APPELLEE

FILED
DEC 29 2000
TALLAHASSEE, FLORIDA

INDEX
950387-SU
VOLUME 1

Letter dated April 6, 1995 to Florida Public Service Commission Chairman requesting approval of projected test year ended January 23, 1994 for rate increase for North Ft. Myers Division in Lee County, on behalf of Florida Cities Water Company 1

Letter dated April 18, 1995 from Commission Chairman to Florida Cities Water, approving request for test year 3

Application for rate increase, filed May 2, 1996, on behalf of Florida Cities Water Company 5

Additional information related to rate increase application, filed May 2, 1995, on behalf of Florida Cities Water Company 11

Letter dated May 11, 1995, from Commission's Division of Water and Wastewater to Florida Cities Water Company, attorney B. Kenneth Gatlin, citing minimum filing requirement deficiencies 200

VOLUME 2

Continuation of letter dated May 11, 1995, from Commission's Division of Water and Wastewater 201

Responses to Commission deficiency letter, filed May 17, 1995, on behalf of Florida Cities Water Company 270

Letter dated June 7, 1995 from Commission's Division of Legal Services to Florida Cities Water Company's attorney Wayne Schiefelbein 275

Staff-approved synopsis, certificate of service, staff-approved notice of application, and staff-approved notice of July 12, 1995 customer meeting, filed June 16, 1995, on behalf of Florida Cities Water Company 277

Affidavit of notice for application of mailed to customers on June 20, 1995, filed June 23, 1995, on behalf of Florida Cities Water Company 284

Affidavit for notice of mailing customer notice, filed June 27, 1995, on behalf of Florida Cities Water Company	291
Affidavit of publication for notice of customer meeting, filed July 5, 1995, on behalf of Florida Cities Water Company	297
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed July 6, 1995	299
Affidavit of mailing hearing notice to customers, filed July 13, 1995, on behalf of Florida Cities Water Company	303
Letter dated July 14, 1995 from Commission's Division of Water and Wastewater to Florida Cities Water Company attorney Schiefelbein	310
Affidavit of publication of notice of cancellation and rescheduling of customer meeting, filed July 21, 1995, on behalf of Florida Cities Water Company	313
Letter dated July 27, 1995 from Florida Cities Water Company with information in response to letter dated July 14, 1995 from Commission	315
Staff rate case audit for period ended December 31, 1994, filed August 3, 1995	340
Order PSC-95-0949-FOF-SU suspending proposed wastewater rates, issued August 7, 1995	357
Memorandum from Director of Records and Reporting to all parties of record forwarding communication from State Representative J. Keith Arnold, filed August 9, 1995	360
Letter dated August 8, 1995 from Commission's Division of Water and Wastewater to Florida Cities Water Company . .	370
Letter dated August 21, 1995 from Commission's Division of Water and Wastewater to Florida Cities Water Company attorney Schiefelbein	375
Letter dated August 24, 1995 from Commission's Division of Water and Wastewater to Florida Cities Water Company	379

Responses to customers' testimony from customer meeting held July 26, 1995, filed September 5, 1995, on behalf of Florida Cities Water Company 381

Letter dated August 30, 1995 from Florida Cities Water Company to Commission's Division of Water and Wastewater 399

VOLUME 3

Letter dated September 8, 1995 from Florida Cities Water Company to Commission's Division of Water and Wastewater 405

Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed September 28, 1995 410

Proposed Agency Action Order PSC-95-1360-FOF-SU granting final rates and charges, issued November 2, 1995 455

Petition on Proposed Agency Action Petition for Formal Proceeding, filed November 27, 1995, on behalf of Cheryl L. Walla, et al. 483

Notice of implementation of rates, corporate undertaking, and staff-approved customer notice, filed December 1, 1995, on behalf of Florida Cities Water Company 487

Copy of revised staff-approved customer notice, filed December 1, 1995, on behalf of Florida Cities Water Company 491

Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed December 7, 1995 493

Memorandum from Commission's Division of Legal Services to All Parties of Record and Office of Public Counsel, filed December 14, 1995 498

Affidavit of mailing notices, filed December 14, 1995, on behalf of Florida Cities Water Company 508

Order PSC-95-0035-PCO-SU Establishing Procedure, issued January 9, 1996 513

Order PSC-95-0038-FOF-SU Acknowledging Florida Cities Water Company--North Ft. Myers Division's--Notice to Implement Rates in Proposed Agency Action Order PSC-95-1360-FOF-SU on Interim Basis, Subject to Refund, and Providing for Security, issued January 10, 1996	520
Initial interim report for December 1995, filed January 18, 1996, on behalf of Florida Cities Water Company	525
Interim revenue report for January 1996, filed February 15, 1996, on behalf of Florida Cities Water Company	526
Notice of Intervention, filed March 8, 1996, on behalf of Citizens of the State of Florida	527
Order PSC-96-0356-PCO-SU Acknowledging Intervention by Citizens of the State of Florida, issued March 13, 1996	529
Memorandum from Commission's Division of Legal Services to All Parties of Record regarding pre-prehearing, filed March 15, 1996	530
Report in compliance with Order PSC-96-0038-FOF-SU for amount of revenue billed for period December 13, 1995 through February 29, 1996 for interim wastewater rates, filed March 19, 1996	531
Notice of April 4, 1996 Prehearing Conference in Tallahassee, issued March 20, 1996	532
Motion for Extension of Time to File Rebuttal Testimony to Public Counsel's and Staff's Testimony, filed March 20, 1996, on behalf of Florida Cities Water Company	534
Commission Staff's Prehearing Statement, filed March 25, 1996	537
Prehearing Statement, filed March 25, 1996, on behalf of Florida Cities Water Company	545
Prehearing Statement, filed March 25, 1996, on behalf of The Citizens of the State of Florida	552
Cheryl Walla's Prehearing Statement, filed March 25, 1996	558

Memorandum from Commission's Division of Legal Services to All Parties of Record regarding pre-prehearing, filed March 26, 1996	565
Notice of April 24 and 25, 1996 hearing in Ft. Myers, issued March 27, 1996	566
Staff-approved notice of hearing for mailing to customers, filed March 27, 1996 on behalf of Florida Cities Water Company	567A
Order PSC-96-0451-PCO-SU Granting Extension of Time to File Rebuttal Testimony and Authorizing Cheryl Walla to Attend the Prehearing Conference by Telephone, issued April 1, 1996	570
Motion for Leave to Raise Additional Issue and to Prefile Supplemental Direct Testimony and Exhibit, filed April 5, 1996, on behalf of Florida Cities Water Company	571
Affidavit of mailing attached notice of hearing to customers, filed April 5, 1996, on behalf of Florida Cities Water Company	576
Affidavit of publication of notice of hearing, filed April 8, 1996, on behalf of Florida Cities Water Company	582
Motion to Strike Testimony of Ted L. Bidby, filed April 9, 1996, on behalf of Florida Cities Water Company	584
Citizens' Response to Motion to Strike Testimony of Ted L. Bidby, filed April 16, 1996	587
Prehearing Order PSC-96-0540-PHO-SU, issued April 17, 1996 .	593

VOLUME 4

Interim revenue report for March 1996, filed April 17, 1996, on behalf of Florida Cities Water Company	620
Letter dated April 19, 1996 from Commission's Division of Legal Services to Florida Cities Water Company attorney Kenneth Gatlin	621
Letter dated April 17, 1996 from Commission's Division of Legal Services to Florida Cities Water Company attorney Kenneth Gatlin	635

Interim revenue report for April 1996, filed May 15, 1996, on behalf of Florida Cities Water Company	649
Post-Hearing Statement of Issues and Positions and Brief, filed May 17, 1996, on behalf of Florida Cities Water Company	650
Citizens' Post Hearing Statement, filed May 20, 1996	692
Cheryl Walla's Post Hearing Statement, filed May 20, 1996	729
Report on interim rates as of May 31, 1996, filed June 18, 1996, on behalf of Florida Cities Water Company	751
Staff-approved customer notice, filed June 18, 1996, on behalf of Florida Cities Water Company	752
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed July 2, 1996	754

VOLUME 5

Letter dated July 10, 1996 from Florida Cities Water Company to Commission's Division of Records and Reporting	835
Interim report for June 1996, filed July 18, 1996, on behalf of Florida Cities Water Company	836
Affidavit of mailing of customer notice of rate reduction, filed July 30, 1996, on behalf of Florida Cities Water Company	837
Notice of Issuance of FDEP Letter of Authorization or, in the Alternative, Motion to Accept FDEP Letter of Authorization into the Record, filed July 30, 1996, on behalf of Florida Cities Water Company	840
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed August 2, 1996	845
Citizens' Response to Motion to Supplement Record, filed August 6, 1996	937
Notice of Response to Disallow FDEP Letter or, in the Alternative, Motion to Reject FDEP Letter into the Closed Record, filed August 8, 1996, on behalf of Cheryl Walla	940

Interim revenue report as of July 31, 1996, filed August 14, 1996, on behalf of Florida Cities Water Company	942
Final Order PSC-96-1133-FOF-SU Denying Application for Increased Wastewater Rates, Reducing Rates, Requiring Refund, and Requiring Reports, issued September 10, 1996	943
Interim revenue report for period ending August 31, 1996, filed September 20, 1996, on behalf of Florida Cities Water Company	996

VOLUME 6

Notice of Administrative Appeal, filed October 7, 1996, on behalf of Florida Cities Water Company	997
Directions to Clerk, filed October 7, 1996, on behalf of Florida Cities Water Company	1052
Florida Cities Water Company's Motion for Stay Pending Judicial Review, filed October 7, 1996	1056
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed October 16, 1996	1059
Interim revenue report for September 1996, filed October 22, 1996, on behalf of Florida Cities Water Company	1065
Certificate of Director, Division of Records and Reporting	1066

TRANSCRIPTS AND EXHIBITS

Transcript of informal customer meeting held July 26, 1995, in North Fort Myers, pages 1-207 (reference reporter's original page numbers in this and all succeeding volumes)	
Transcript of prehearing conference held April 4, 1996, in Tallahassee, pages 1-80	
Volume 1 of transcript of hearing held April 24, 1996, in Ft. Myers, pages 1-92	
Volume 2 of transcript of hearing held April 24, 1996, in Ft. Myers, pages 93-261	
Volume 3 of transcript of hearing held April 24, 1996, in Ft. Myers, pages 262-350	

Volume 4 of transcript of hearing held April 24, 1996, in Ft. Myers, pages 351-466

Volume 5 of transcript of hearing held April 25, 1996, in Ft. Myers, pages 467-627

Volume 6 of transcript of hearing held April 25, 1996, in Ft. Myers, pages 628-805

Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 from hearing held April 24 and 25, 1996

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT COURT OF FLORIDA

FLORIDA CITIES WATER COMPANY,)
)
Appellant,)
-vs-)
)
FLORIDA PUBLIC SERVICE COMMISSION,)
)
Appellees.)
)
_____)

CASE NO.
1999-1666

VOLUME 2

Transcript of record
in the matter of:

Application for increased wastewater rates
by
Florida Cities Water Company -
North Ft. Myers Division
in
Lee County.

Docket No. 950387-SU

B. Kenneth Gatlin
Kathryn G.W. Cowdery
Ruden law firm
215 South Monroe Street, Suite 815
Tallahassee, Florida 32301

ATTORNEYS FOR APPELLANT

David Smith
Christiana Moore
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ATTORNEYS FOR APPELLEE

FILED
MAY 20 2000
CLERK OF THE DISTRICT COURT OF APPEALS
FIRST DISTRICT OF FLORIDA
TALLAHASSEE, FLORIDA

INDEX
950387-SU
VOLUME 1

Letter dated April 6, 1995 to Florida Public Service Commission Chairman requesting approval of projected test year ended January 23, 1994 for rate increase for North Ft. Myers Division in Lee County, on behalf of Florida Cities Water Company 1

Letter dated April 18, 1995 from Commission Chairman to Florida Cities Water, approving request for test year 3

Application for rate increase, filed May 2, 1996, on behalf of Florida Cities Water Company 5

Additional information related to rate increase application, filed May 2, 1995, on behalf of Florida Cities Water Company 11

Letter dated May 11, 1995, from Commission's Division of Water and Wastewater to Florida Cities Water Company, attorney B. Kenneth Gatlin, citing minimum filing requirement deficiencies 200

VOLUME 2

Continuation of letter dated May 11, 1995, from Commission's Division of Water and Wastewater 201

Responses to Commission deficiency letter, filed May 17, 1995, on behalf of Florida Cities Water Company 270

Letter dated June 7, 1995 from Commission's Division of Legal Services to Florida Cities Water Company's attorney Wayne Schiefelbein 275

Staff-approved synopsis, certificate of service, staff-approved notice of application, and staff-approved notice of July 12, 1995 customer meeting, filed June 16, 1995, on behalf of Florida Cities Water Company 277

Affidavit of notice for application of mailed to customers on June 20, 1995, filed June 23, 1995, on behalf of Florida Cities Water Company 284

Affidavit for notice of mailing customer notice, filed June 27, 1995, on behalf of Florida Cities Water Company	291
Affidavit of publication for notice of customer meeting, filed July 5, 1995, on behalf of Florida Cities Water Company	297
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed July 6, 1995	299
Affidavit of mailing hearing notice to customers, filed July 13, 1995, on behalf of Florida Cities Water Company	303
Letter dated July 14, 1995 from Commission's Division of Water and Wastewater to Florida Cities Water Company attorney Schiefelbein	310
Affidavit of publication of notice of cancellation and rescheduling of customer meeting, filed July 21, 1995, on behalf of Florida Cities Water Company	313
Letter dated July 27, 1995 from Florida Cities Water Company with information in response to letter dated July 14, 1995 from Commission	315
Staff rate case audit for period ended December 31, 1994, filed August 3, 1995	340
Order PSC-95-0949-FOF-SU suspending proposed wastewater rates, issued August 7, 1995	357
Memorandum from Director of Records and Reporting to all parties of record forwarding communication from State Representative J. Keith Arnold, filed August 9, 1995	360
Letter dated August 8, 1995 from Commission's Division of Water and Wastewater to Florida Cities Water Company	370
Letter dated August 21, 1995 from Commission's Division of Water and Wastewater to Florida Cities Water Company attorney Schiefelbein	375
Letter dated August 24, 1995 from Commission's Division of Water and Wastewater to Florida Cities Water Company	379

Responses to customers' testimony from customer meeting held July 26, 1995, filed September 5, 1995, on behalf of Florida Cities Water Company 381

Letter dated August 30, 1995 from Florida Cities Water Company to Commission's Division of Water and Wastewater 399

VOLUME 3

Letter dated September 8, 1995 from Florida Cities Water Company to Commission's Division of Water and Wastewater 405

Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed September 28, 1995 410

Proposed Agency Action Order PSC-95-1360-FOF-SU granting final rates and charges, issued November 2, 1995 455

Petition on Proposed Agency Action Petition for Formal Proceeding, filed November 27, 1995, on behalf of Cheryl L. Walla, et al. 483

Notice of implementation of rates, corporate undertaking, and staff-approved customer notice, filed December 1, 1995, on behalf of Florida Cities Water Company 487

Copy of revised staff-approved customer notice, filed December 1, 1995, on behalf of Florida Cities Water Company 491

Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed December 7, 1995 493

Memorandum from Commission's Division of Legal Services to All Parties of Record and Office of Public Counsel, filed December 14, 1995 498

Affidavit of mailing notices, filed December 14, 1995, on behalf of Florida Cities Water Company 508

Order PSC-95-0035-PCO-SU Establishing Procedure, issued January 9, 1996 513

Responses to customers' testimony from customer meeting
held July 26, 1995, filed September 5, 1995,
on behalf of Florida Cities Water Company 381

Letter dated August 30, 1995 from Florida Cities Water
Company to Commission's Division of Water and
Wastewater 399

VOLUME 3

Letter dated September 8, 1995 from Florida Cities
Water Company to Commission's Division of Water
and Wastewater 405

Memorandum from Commission's Divisions of Water and
Wastewater and Legal Services to Division of
Records and Reporting, filed September 28, 1995 410

Proposed Agency Action Order PSC-95-1360-FOF-SU granting
final rates and charges, issued November 2, 1995 455

Petition on Proposed Agency Action Petition for Formal
Proceeding, filed November 27, 1995, on behalf of
Cheryl L. Walla, et al. 483

Notice of implementation of rates, corporate under-
taking, and staff-approved customer notice, filed
December 1, 1995, on behalf of Florida Cities
Water Company 487

Copy of revised staff-approved customer notice, filed
December 1, 1995, on behalf of Florida Cities
Water Company 491

Memorandum from Commission's Divisions of Water and
Wastewater and Legal Services to Division of
Records and Reporting, filed December 7, 1995 493

Memorandum from Commission's Division of Legal Services
to All Parties of Record and Office of Public Counsel,
filed December 14, 1995 498

Affidavit of mailing notices, filed December 14, 1995,
on behalf of Florida Cities Water Company 508

Order PSC-95-0035-PCO-SU Establishing Procedure, issued
January 9, 1996 513

Order PSC-95-0038-FOF-SU Acknowledging Florida Cities Water Company--North Ft. Myers Division's--Notice to Implement Rates in Proposed Agency Action Order PSC-95-1360-FOF-SU on Interim Basis, Subject to Refund, and Providing for Security, issued January 10, 1996	520
Initial interim report for December 1995, filed January 18, 1996, on behalf of Florida Cities Water Company	525
Interim revenue report for January 1996, filed February 15, 1996, on behalf of Florida Cities Water Company	526
Notice of Intervention, filed March 8, 1996, on behalf of Citizens of the State of Florida	527
Order PSC-96-0356-PCO-SU Acknowledging Intervention by Citizens of the State of Florida, issued March 13, 1996	529
Memorandum from Commission's Division of Legal Services to All Parties of Record regarding pre-prehearing, filed March 15, 1996	530
Report in compliance with Order PSC-96-0038-FOF-SU for amount of revenue billed for period December 13, 1995 through February 29, 1996 for interim wastewater rates, filed March 19, 1996	531
Notice of April 4, 1996 Prehearing Conference in Tallahassee, issued March 20, 1996	532
Motion for Extension of Time to File Rebuttal Testimony to Public Counsel's and Staff's Testimony, filed March 20, 1996, on behalf of Florida Cities Water Company	534
Commission Staff's Prehearing Statement, filed March 25, 1996	537
Prehearing Statement, filed March 25, 1996, on behalf of Florida Cities Water Company	545
Prehearing Statement, filed March 25, 1996, on behalf of The Citizens of the State of Florida	552
Cheryl Walla's Prehearing Statement, filed March 25, 1996	558

Memorandum from Commission's Division of Legal Services to All Parties of Record regarding pre-prehearing, filed March 26, 1996	565
Notice of April 24 and 25, 1996 hearing in Ft. Myers, issued March 27, 1996	566
Staff-approved notice of hearing for mailing to customers, filed March 27, 1996 on behalf of Florida Cities Water Company	567A
Order PSC-96-0451-PCO-SU Granting Extension of Time to File Rebuttal Testimony and Authorizing Cheryl Walla to Attend the Prehearing Conference by Telephone, issued April 1, 1996	570
Motion for Leave to Raise Additional Issue and to Prefile Supplemental Direct Testimony and Exhibit, filed April 5, 1996, on behalf of Florida Cities Water Company	571
Affidavit of mailing attached notice of hearing to customers, filed April 5, 1996, on behalf of Florida Cities Water Company	576
Affidavit of publication of notice of hearing, filed April 8, 1996, on behalf of Florida Cities Water Company	582
Motion to Strike Testimony of Ted L. Bidy, filed April 9, 1996, on behalf of Florida Cities Water Company	584
Citizens' Response to Motion to Strike Testimony of Ted L. Bidy, filed April 16, 1996	587
Prehearing Order PSC-96-0540-PHO-SU, issued April 17, 1996 .	593

VOLUME 4

Interim revenue report for March 1996, filed April 17, 1996, on behalf of Florida Cities Water Company	620
Letter dated April 19, 1996 from Commission's Division of Legal Services to Florida Cities Water Company attorney Kenneth Gatlin	621
Letter dated April 17, 1996 from Commission's Division of Legal Services to Florida Cities Water Company attorney Kenneth Gatlin	635

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT COURT OF FLORIDA

FLORIDA CITIES WATER COMPANY,)
)
Appellant,)
-vs-)
)
FLORIDA PUBLIC SERVICE COMMISSION,)
)
Appellees.)
)
_____)

CASE NO.
1999-1666

VOLUME 4

Transcript of record
in the matter of:

Application for increased wastewater rates
by
Florida Cities Water Company -
North Ft. Myers Division
in
Lee County.

Docket No. 950387-SU

B. Kenneth Gatlin
Kathryn G.W. Cowdery
Ruden law firm
215 South Monroe Street, Suite 815
Tallahassee, Florida 32301

ATTORNEYS FOR APPELLANT

David Smith
Christiana Moore
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ATTORNEYS FOR APPELLEE

FILED
11/11/08
Tallahassee, Florida

Memorandum from Commission's Division of Legal Services to All Parties of Record regarding pre-prehearing, filed March 26, 1996	565
Notice of April 24 and 25, 1996 hearing in Ft. Myers, issued March 27, 1996	566
Staff-approved notice of hearing for mailing to customers, filed March 27, 1996 on behalf of Florida Cities Water Company	567A
Order PSC-96-0451-PCO-SU Granting Extension of Time to File Rebuttal Testimony and Authorizing Cheryl Walla to Attend the Prehearing Conference by Telephone, issued April 1, 1996	570
Motion for Leave to Raise Additional Issue and to Profile Supplemental Direct Testimony and Exhibit, filed April 5, 1996, on behalf of Florida Cities Water Company	571
Affidavit of mailing attached notice of hearing to customers, filed April 5, 1996, on behalf of Florida Cities Water Company	576
Affidavit of publication of notice of hearing, filed April 8, 1996, on behalf of Florida Cities Water Company	582
Motion to Strike Testimony of Ted L. Bidy, filed April 9, 1996, on behalf of Florida Cities Water Company	584
Citizens' Response to Motion to Strike Testimony of Ted L. Bidy, filed April 16, 1996	587
Prehearing Order PSC-96-0540-PHO-SU, issued April 17, 1996 .	593

VOLUME 4

Interim revenue report for March 1996, filed April 17, 1996, on behalf of Florida Cities Water Company	620
Letter dated April 19, 1996 from Commission's Division of Legal Services to Florida Cities Water Company attorney Kenneth Gatlin	621
Letter dated April 17, 1996 from Commission's Division of Legal Services to Florida Cities Water Company attorney Kenneth Gatlin	635

Interim revenue report for April 1996, filed May 15, 1996, on behalf of Florida Cities Water Company	649
Post-Hearing Statement of Issues and Positions and Brief, filed May 17, 1996, on behalf of Florida Cities Water Company	650
Citizens' Post Hearing Statement, filed May 20, 1996	692
Cheryl Walla's Post Hearing Statement, filed May 20, 1996	729
Report on interim rates as of May 31, 1996, filed June 18, 1996, on behalf of Florida Cities Water Company	751
Staff-approved customer notice, filed June 18, 1996, on behalf of Florida Cities Water Company	752
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed July 2, 1996	754

VOLUME 5

Letter dated July 10, 1996 from Florida Cities Water Company to Commission's Division of Records and Reporting	835
Interim report for June 1996, filed July 18, 1996, on behalf of Florida Cities Water Company	836
Affidavit of mailing of customer notice of rate reduction, filed July 30, 1996, on behalf of Florida Cities Water Company	837
Notice of Issuance of FDEP Letter of Authorization or, in the Alternative, Motion to Accept FDEP Letter of Authorization into the Record, filed July 30, 1996, on behalf of Florida Cities Water Company	840
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed August 2, 1996	845
Citizens' Response to Motion to Supplement Record, filed August 6, 1996	937
Notice of Response to Disallow FDEP Letter or, in the Alternative, Motion to Reject FDEP Letter into the Closed Record, filed August 8, 1996, on behalf of Cheryl Walla	940

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT COURT OF FLORIDA

FLORIDA CITIES WATER COMPANY,)
)
Appellant,)
-vs-)
)
FLORIDA PUBLIC SERVICE COMMISSION,)
)
Appellees.)
)
_____)

CASE NO.
1999-1666

VOLUME 5

Transcript of record
in the matter of:

Application for increased wastewater rates
by
Florida Cities Water Company -
North Ft. Myers Division
in
Lee County.

Docket No. 950387-SU

B. Kenneth Gatlin
Kathryn G.W. Cowdery
Ruden law firm
215 South Monroe Street, Suite 815
Tallahassee, Florida 32301

ATTORNEYS FOR APPELLANT

David Smith
Christiana Moore
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ATTORNEYS FOR APPELLEE

FILED
2000/11/07
03:11
CLERK

Interim revenue report for April 1996, filed May 15, 1996, on behalf of Florida Cities Water Company	649
Post-Hearing Statement of Issues and Positions and Brief, filed May 17, 1996, on behalf of Florida Cities Water Company	650
Citizens' Post Hearing Statement, filed May 20, 1996	692
Cheryl Walla's Post Hearing Statement, filed May 20, 1996	729
Report on interim rates as of May 31, 1996, filed June 18, 1996, on behalf of Florida Cities Water Company	751
Staff-approved customer notice, filed June 18, 1996, on behalf of Florida Cities Water Company	752
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed July 2, 1996	754

VOLUME 5

Letter dated July 10, 1996 from Florida Cities Water Company to Commission's Division of Records and Reporting	835
Interim report for June 1996, filed July 18, 1996, on behalf of Florida Cities Water Company	836
Affidavit of mailing of customer notice of rate reduction, filed July 30, 1996, on behalf of Florida Cities Water Company	837
Notice of Issuance of FDEP Letter of Authorization or, in the Alternative, Motion to Accept FDEP Letter of Authorization into the Record, filed July 30, 1996, on behalf of Florida Cities Water Company	840
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed August 2, 1996	845
Citizens' Response to Motion to Supplement Record, filed August 6, 1996	937
Notice of Response to Disallow FDEP Letter or, in the Alternative, Motion to Reject FDEP Letter into the Closed Record, filed August 8, 1996, on behalf of Cheryl Walla	940

Interim revenue report as of July 31, 1996, filed August 14, 1996, on behalf of Florida Cities Water Company	942
Final Order PSC-96-1133-FOF-SU Denying Application for Increased Wastewater Rates, Reducing Rates, Requiring Refund, and Requiring Reports, issued September 10, 1996	943
Interim revenue report for period ending August 31, 1996, filed September 20, 1996, on behalf of Florida Cities Water Company	996

VOLUME 6

Notice of Administrative Appeal, filed October 7, 1996, on behalf of Florida Cities Water Company	997
Directions to Clerk, filed October 7, 1996, on behalf of Florida Cities Water Company	1052
Florida Cities Water Company's Motion for Stay Pending Judicial Review, filed October 7, 1996	1056
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed October 16, 1996	1059
Interim revenue report for September 1996, filed October 22, 1996, on behalf of Florida Cities Water Company	1065
Certificate of Director, Division of Records and Reporting	1066

TRANSCRIPTS AND EXHIBITS

- Transcript of informal customer meeting held July 26, 1995, in North Fort Myers, pages 1-207 (reference reporter's original page numbers in this and all succeeding volumes)
- Transcript of prehearing conference held April 4, 1996, in Tallahassee, pages 1-80
- Volume 1 of transcript of hearing held April 24, 1996, in Ft. Myers, pages 1-92
- Volume 2 of transcript of hearing held April 24, 1996, in Ft. Myers, pages 93-261
- Volume 3 of transcript of hearing held April 24, 1996, in Ft. Myers, pages 262-350

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT COURT OF FLORIDA

FLORIDA CITIES WATER COMPANY,)
)
Appellant,)
-vs-)
)
FLORIDA PUBLIC SERVICE COMMISSION,)
)
Appellees.)
)
_____)

CASE NO.
1999-1666

VOLUME 6

Transcript of record
in the matter of:

Application for increased wastewater rates
by
Florida Cities Water Company -
North Ft. Myers Division
in
Lee County.

Docket No. 950387-SU

B. Kenneth Gatlin
Kathryn G.W. Cowdery
Ruden law firm
215 South Monroe Street, Suite 815
Tallahassee, Florida 32301

ATTORNEYS FOR APPELLANT

David Smith
Christiana Moore
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ATTORNEYS FOR APPELLEE

FILED
MAY 9 2011:07
Tallahassee, Florida

Interim revenue report as of July 31, 1996, filed August 14, 1996, on behalf of Florida Cities Water Company	942
Final Order PSC-96-1133-FOF-SU Denying Application for Increased Wastewater Rates, Reducing Rates, Requiring Refund, and Requiring Reports, issued September 10, 1996	943
Interim revenue report for period ending August 31, 1996, filed September 20, 1996, on behalf of Florida Cities Water Company	996

VOLUME 6

Notice of Administrative Appeal, filed October 7, 1996, on behalf of Florida Cities Water Company	997
Directions to Clerk, filed October 7, 1996, on behalf of Florida Cities Water Company	1052
Florida Cities Water Company's Motion for Stay Pending Judicial Review, filed October 7, 1996	1056
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed October 16, 1996	1059
Interim revenue report for September 1996, filed October 22, 1996, on behalf of Florida Cities Water Company	1065
Certificate of Director, Division of Records and Reporting	1066

TRANSCRIPTS AND EXHIBITS

- Transcript of informal customer meeting held July 26, 1995, in North Fort Myers, pages 1-207 (reference reporter's original page numbers in this and all succeeding volumes)
- Transcript of prehearing conference held April 4, 1996, in Tallahassee, pages 1-80
- Volume 1 of transcript of hearing held April 24, 1996, in Ft. Myers, pages 1-92
- Volume 2 of transcript of hearing held April 24, 1996, in Ft. Myers, pages 93-261
- Volume 3 of transcript of hearing held April 24, 1996, in Ft. Myers, pages 262-350

FLORIDA CITIES WATER COMPANY
vs.
FLORIDA PUBLIC SERVICE COMMISSION

FIRST DISTRICT COURT OF APPEAL
CASE NO. 1999-1666
DOCKET NO. 950387-SU

INDEX TO CONTINUATION OF RECORD

VOLUME 7

Interim report for October 1996, filed November 18, 1996, on behalf of Florida Cities Water Company ("FCWC")	1067
Order PSC-96-1390-FOF-SU granting stay of Order No. PSC-96-1133-FOF-SU, requiring additional security, and placing additional revenues subject to refund, issued November 20, 1996	1068
Corporate undertaking, filed December 9, 1996, on behalf of FCWC	1073
Interim report for November 1996, filed December 18, 1996, on behalf of FCWC	1075
Interim report for December 1996, filed January 22, 1997, on behalf of FCWC	1076
Interim report for January 1997, filed February 17, 1997, on behalf of FCWC	1077
Corrected interim report for January 1997, filed February 24, 1997, on behalf of FCWC	1078
Interim report for February 1997, filed March 19, 1997, on behalf of FCWC	1079
Interim report for March 1997, filed April 21, 1997, on behalf of FCWC	1080
Interim report for April 1997, filed May 19, 1997, on behalf of FCWC	1081
Interim report for May 1997, filed June 13, 1997, on behalf of FCWC	1082
Interim report for June 1997, filed July 16, 1997, on behalf of FCWC	1083
Interim report for July 1997, filed August 12, 1997, on behalf of FCWC	1084
Interim report for August 1997, filed September 12, 1997, on behalf of FCWC	1085

Interim report for September 1997, filed October 17, 1997, on behalf of FCWC 1086

Interim report for October 1997, filed November 12, 1997, on behalf of FCWC 1087

Interim report for November 1997, filed December 15, 1997, on behalf of FCWC 1089

Interim report for December 1997, filed January 20, 1998, on behalf of FCWC 1090

Petition to allow additional rate case expenses, filed February 4, 1998, on behalf of FCWC 1091

Interim report for January 1998, filed February 16, 1998, on behalf of FCWC 1239

Memorandum from Commission’s Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed March 12, 1998 1240

Interim report for February 1998, filed March 13, 1998, on behalf of FCWC 1261

Order PSC-98-0483-PCO-SU establishing procedure and issues, issued April 3, 1998 1262

VOLUME 8

FCWC’s motion for stay pending judicial review, filed April 10, 1998 1271

Notice of filing transcript of agenda conference and internal affairs meeting, with attached transcript of March 24, 1998 agenda conference 1274

Order PSC-98-0509-PCO-SU on remand setting capacity of wastewater treatment plant, reopening record for limited purpose, granting in part and denying in part request for hearing, granting in part and denying in part request for consideration of additional rate case expense, and maintaining security, issued April 14, 1998 1318

FCWC’s amended motion for stay pending judicial review and request for expedited treatment, filed April 14, 1998 1329

Interim report for March 1998, filed April 17, 1998, on behalf of FCWC 1333

Order PSC-98-0568-PCO-SU revising order establishing procedure, issued April 23, 1998 1334

Memorandum from Commission’s Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed April 30, 1998 1337

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT COURT OF FLORIDA

FLORIDA CITIES WATER COMPANY,)
)
Appellant,)
-vs-)
)
FLORIDA PUBLIC SERVICE COMMISSION,)
)
Appellees.)
)
_____)

CASE NO.
1999-1666

VOLUME 8

Transcript of record
in the matter of:

Application for increased wastewater rates
by
Florida Cities Water Company -
North Ft. Myers Division
in
Lee County.

Docket No. 950387-SU

B. Kenneth Gatlin
Kathryn G.W. Cowdery
Ruden law firm
215 South Monroe Street, Suite 815
Tallahassee, Florida 32301

ATTORNEYS FOR APPELLANT

David Smith
Christiana Moore
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ATTORNEYS FOR APPELLEE

FILED
1999-1666-07

Interim report for September 1997, filed October 17, 1997, on behalf of FCWC	1086
Interim report for October 1997, filed November 12, 1997, on behalf of FCWC	1087
Interim report for November 1997, filed December 15, 1997, on behalf of FCWC	1089
Interim report for December 1997, filed January 20, 1998, on behalf of FCWC	1090
Petition to allow additional rate case expenses, filed February 4, 1998, on behalf of FCWC	1091
Interim report for January 1998, filed February 16, 1998, on behalf of FCWC	1239
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed March 12, 1998	1240
Interim report for February 1998, filed March 13, 1998, on behalf of FCWC	1261
Order PSC-98-0483-PCO-SU establishing procedure and issues, issued April 3, 1998	1262

VOLUME 8

FCWC's motion for stay pending judicial review, filed April 10, 1998	1271
Notice of filing transcript of agenda conference and internal affairs meeting, with attached transcript of March 24, 1998 agenda conference	1274
Order PSC-98-0509-PCO-SU on remand setting capacity of wastewater treatment plant, reopening record for limited purpose, granting in part and denying in part request for hearing, granting in part and denying in part request for consideration of additional rate case expense, and maintaining security, issued April 14, 1998	1318
FCWC's amended motion for stay pending judicial review and request for expedited treatment, filed April 14, 1998	1329
Interim report for March 1998, filed April 17, 1998, on behalf of FCWC	1333
Order PSC-98-0568-PCO-SU revising order establishing procedure, issued April 23, 1998	1334
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed April 30, 1998	1337

Interim report for April 1998, filed May 11, 1998, on behalf of FCWC	1348
Second Order PSC-98-0729-PCO-SU revising order on procedure, issued May 26, 1998	1349
Order PSC-98-0762-PCO-SU granting FCWC's amended motion for stay of Order No. PSC-98-0509-PCO-SU and requiring additional security, issued June 2, 1998	1351
Interim report for May 1998, filed June 17, 1998, on behalf of FCWC	1359
FCWC's corporate undertaking report, filed June 18, 1998	1360
Motion for continuance, filed June 20, 1998, on behalf of FCWC	1361
Motion for continuance, filed June 30, 1998, on behalf of OPC	1364
Amended motion for continuance, filed June 30, 1998, on behalf of OPC	1368
Third Order PSC-98-0893-PCO-SU revising order on procedure, issued July 6, 1998	1372
Interim report for June 1998, filed July 20, 1998, on behalf of FCWC	1376
Interim report for July 1998, filed August 17, 1998, on behalf of FCWC	1377
Interim report for August 1998, filed September 14, 1998, on behalf of FCWC	1378
Notice of substitution of counsel, filed September 18, 1998, on behalf of FCWC	1379
Interim report for September 1998, filed October 12, 1998, on behalf of FCWC	1381
Request of staff for extension of time to prefile testimony, rebuttal testimony, and prehearing statement, filed October 19, 1998	1382
Order PSC-98-1402-PCO-SU granting request of staff for extension of time to prefile testimony, rebuttal testimony, and prehearing statements, and order revising order on procedure, issued October 1998	1384
Notice of prehearing conference, issued November 10, 1998	1387
Interim report for October 1998, filed November 12, 1998, on behalf of FCWC	1389
Commission staff's prehearing statement, filed November 12, 1998	1390

FCWC's prehearing statement, filed November 12, 1998	1394
Corporate undertaking, filed November 16, 1998, on behalf of FCWC	1398
OPC's prehearing statement, filed November 16, 1998	1399
Notice of hearing, issued November 17, 1998	1402
Updated rate case expense Exhibit LC-1a, filed November 19, 1998, on behalf of FCWC	1405
Transcript of prehearing conference held November 18, 1998, filed November 20, 1998	1420
Prehearing Order PSC-98-1577-PHO-SU, issued November 24, 1998	1435
Affidavit of notice of hearing, filed December 2, 1998, on behalf of FCWC	1450
Updated rate case expense Exhibit LC-1b, filed December 2, 1998, on behalf of FCWC	1453

VOLUME 9

Commission staff's request to strike portion of remand testimony of Michael Acosta, filed December 2, 1998	1477
Interim report for November 1998, filed December 14, 1998, on behalf of FCWC	1481
Interim report for December 1998, filed January 6, 1999, on behalf of FCWC	1482
Proposed findings of fact and conclusions of law, statement of issues and positions, and brief of FCWC, filed January 8, 1999	1483
Post hearing statement of OPC, filed January 8, 1999	1518
Motion to make rates permanent, filed January 26, 1999, on behalf of FCWC	1532
OPC's response to motion to make rates permanent, filed February 5, 1999	1536
Interim report for January 1999, filed February 11, 1999, on behalf of FCWC	1539
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed March 4, 1999	1540

FCWC's prehearing statement, filed November 12, 1998	1394
Corporate undertaking, filed November 16, 1998, on behalf of FCWC	1398
OPC's prehearing statement, filed November 16, 1998	1399
Notice of hearing, issued November 17, 1998	1402
Updated rate case expense Exhibit LC-1a, filed November 19, 1998, on behalf of FCWC	1405
Transcript of prehearing conference held November 18, 1998, filed November 20, 1998	1420
Prehearing Order PSC-98-1577-PHO-SU, issued November 24, 1998	1435
Affidavit of notice of hearing, filed December 2, 1998, on behalf of FCWC	1450
Updated rate case expense Exhibit LC-1b, filed December 2, 1998, on behalf of FCWC	1453

VOLUME 9

Commission staff's request to strike portion of remand testimony of Michael Acosta, filed December 2, 1998	1477
Interim report for November 1998, filed December 14, 1998, on behalf of FCWC	1481
Interim report for December 1998, filed January 6, 1999, on behalf of FCWC	1482
Proposed findings of fact and conclusions of law, statement of issues and positions, and brief of FCWC, filed January 8, 1999	1483
Post hearing statement of OPC, filed January 8, 1999	1518
Motion to make rates permanent, filed January 26, 1999, on behalf of FCWC	1532
OPC's response to motion to make rates permanent, filed February 5, 1999	1536
Interim report for January 1999, filed February 11, 1999, on behalf of FCWC	1539
Memorandum from Commission's Divisions of Water and Wastewater and Legal Services to Division of Records and Reporting, filed March 4, 1999	1540

Interim report for February 1999, filed March 15, 1999, on behalf of FCWC	1601
Interim report for March 1999, filed April 5, 1999, on behalf of FCWC	1602
Order No. PSC-99-0691-FOF-SU - notice of proposed agency action order correcting and removing used and useful adjustments to reuse facilities, and final order setting wastewater rates, requiring refunds, and granting in part and denying in part motion to make rates permanent, issued April 8, 1999	1603
[Corrected] interim report for March 1999, filed April 15, 1999, on behalf of FCWC	1655

VOLUME 10

Notice of administrative appeal, filed May 10, 1999, on behalf of FCWC	1656
Consummating Order PSC-99-1067-CO-SU, issued May 25, 1999	1710
Letter enclosing schedule of revenues collected subject to refund for the North Ft. Myers Division of FCWC aggregating \$838,460.24 through April 15, 1999, filed November 29, 1999	1712
Notice of filing transcript, with attached transcript of Item 73 from March 16, 1999 agenda conference, filed November 30, 1999, on behalf of FCWC	1714
Directions to clerk, filed December 1, 1999, on behalf of FCWC	1741
Certificate of Director, Records and Reporting	1743

HEARING TRANSCRIPTS AND EXHIBITS

Transcript of Volume 7 of hearing held December 8, 1998, in Fort Myers, pages 806 through 923 (reference court reporter's page numbers in this and succeeding volumes).	
Transcript of Volume 8 of hearing held December 8, 1998, in Fort Myers, pages 924 through 1131.	
Transcript of Volume 9 of hearing held December 8, 1998, in Fort Myers, pages 1132 through 1314.	
Exhibits 33 through 43 from hearing held December 8, 1998, in Fort Myers.	

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT COURT OF FLORIDA

FLORIDA CITIES WATER COMPANY,)
)
Appellant,)
-vs-)
)
FLORIDA PUBLIC SERVICE COMMISSION,)
)
Appellees.)
)
_____)

CASE NO.
1999-1666

VOLUME 10

Transcript of record
in the matter of:

Application for increased wastewater rates
by
Florida Cities Water Company -
North Ft. Myers Division
in
Lee County.

Docket No. 950387-SU

B. Kenneth Gatlin
Kathryn G.W. Cowdery
Ruden law firm
215 South Monroe Street, Suite 815
Tallahassee, Florida 32301

ATTORNEYS FOR APPELLANT

David Smith
Christiana Moore
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ATTORNEYS FOR APPELLEE

FILED
DISTRICT COURT OF APPEALS
FIRST DISTRICT
TALLAHASSEE, FLORIDA
JAN 11 1999

Interim report for February 1999, filed March 15, 1999, on behalf of FCWC	1601
Interim report for March 1999, filed April 5, 1999, on behalf of FCWC	1602
Order No. PSC-99-0691-FOF-SU - notice of proposed agency action order correcting and removing used and useful adjustments to reuse facilities, and final order setting wastewater rates, requiring refunds, and granting in part and denying in part motion to make rates permanent, issued April 8, 1999	1603
[Corrected] interim report for March 1999, filed April 15, 1999, on behalf of FCWC	1655

VOLUME 10

Notice of administrative appeal, filed May 10, 1999, on behalf of FCWC	1656
Consummating Order PSC-99-1067-CO-SU, issued May 25, 1999	1710
Letter enclosing schedule of revenues collected subject to refund for the North Ft. Myers Division of FCWC aggregating \$838,460.24 through April 15, 1999, filed November 29, 1999	1712
Notice of filing transcript, with attached transcript of Item 73 from March 16, 1999 agenda conference, filed November 30, 1999, on behalf of FCWC	1714
Directions to clerk, filed December 1, 1999, on behalf of FCWC	1741
Certificate of Director, Records and Reporting	1743

HEARING TRANSCRIPTS AND EXHIBITS

Transcript of Volume 7 of hearing held December 8, 1998, in Fort Myers, pages 806 through 923 (reference court reporter's page numbers in this and succeeding volumes).	
Transcript of Volume 8 of hearing held December 8, 1998, in Fort Myers, pages 924 through 1131.	
Transcript of Volume 9 of hearing held December 8, 1998, in Fort Myers, pages 1132 through 1314.	
Exhibits 33 through 43 from hearing held December 8, 1998, in Fort Myers.	