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July 5, 2001

BY HAND DELIVERY

Ms. Blanca Bayó, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket Nos. 980992-WS and 981069-WS

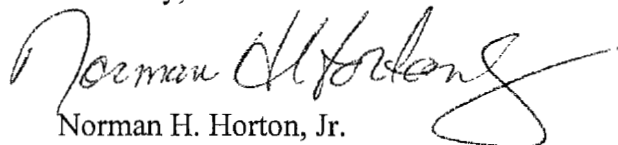
Dear Ms. Bayó:

Enclosed for filing on behalf of Worthwhile Development II, Ltd.. are an original and fifteen copies of Worthwhile Development II, Ltd.'s Protest to Proposed Agency Action in the above-referenced dockets.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me in the enclosed self-addressed stamped envelope.

Thank you for your assistance with this filing.

Sincerely,


Norman H. Horton, Jr.

NHH/amb
Enclosures

cc: David Barrett, Esq.
Parties of Record

DOCUMENT NUMBER-DATE
08257 JUL-5 01
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by D.R. Horton)
Custom Homes, Inc. against)
Southlake Utilities, Inc. in)
Lake County Regarding collection)
of certain AFPI charges.)
_____)

Docket No. 980992-WS

In re: Emergency petition by)
D. R. Horton Custom Homes, Inc.)
to eliminate authority of)
Southlake Utilities, Inc. to)
collect service availability)
charges and AFPI charges in Lake)
County.)
_____)

Docket No. 981069-WS
Filed: July 5, 2001

PROTEST TO PROPOSED AGENCY ACTION

Comes now, Worthwhile Development II, Ltd., pursuant to Rules 25-22.029 and 28-106.201, Florida Administrative Code and files this Protest to Proposed Agency Action by the FPSC and as basis for the Protest states:

1. The Petitioner, Worthwhile Development II, Ltd., whose address is 700 Riverbend Blvd., Longwood, Florida 32779 is a customer of Southlake Utilities, Inc. and has paid AFPI to Southlake.

2. Copies of notices and address should be provided to:

Norman H. Horton, Jr., Esq.
Messer, Caparello & Self, P.A.
215 S. Monroe Street, Suite 701
Tallahassee, Florida 32301-1876
Tel: 850-222-0720
Fax: 850-224-4359

David A. Barrett, Esq.
Barrett and Associates
111 S. Monroe St., Suite 3000
Tallahassee, Florida 32301
Tel: 850-222-9000
Fax: 850-222-9892

3. By Order No. PSC-01-1297-PAA-WS, the Commission issued its Notice of Proposed Agency Action Granting a Joint Motion for Approval and Adoption of Settlement Agreement between D.R. Horton Custom Homes, Inc. and Southlake Utilities. Among other issues, the Settlement Agreement specifies that refunds of AFPI charges totaling \$403,614.79 are to be made by Southlake to developers shown on an attachment to the Agreement. The Petitioner is one of the developers shown on the attachment to receive a refund thus its substantial interests are affected by this action. The agreement proposed to be approved by the Commission also requires each developer to execute a release in order to receive the refund to which it is entitled and this also affects the substantial interests of the Petitioner.

4. Petitioner has not been a party to these dockets and has received no notice of the proceedings even though its interests are affected by the settlement. In fact, by Order PSC-99-0648-PCO-WS, issued in Docket 981609-WS, April 6, 1999, the Commission denied a Motion to Dismiss filed by Southlake which raised, among other issues, that the emergency petition filed by D.R. Horton failed to join indispensable parties. In denying the Motion, the Commission noted that since action on the merits of the Petition would be by PAA, any person whose substantial interests are affected would be able to file a protest thus other customers such as Worthwhile were not parties to these dockets even though there was recognition that they might have an interest. The Petitioner first became aware of the settlement proposal through a review of PSC activity but subsequently received a copy of the Notice and Agreement from the utility.

5. The Petitioner along with several other developers has paid AFPI to Southlake for water and wastewater services since 1997. Worthwhile has paid at least \$252,5000 since 1998 and is listed in the agreement to receive \$120,362.76 in refunds. The amount to be refunded to petitioner

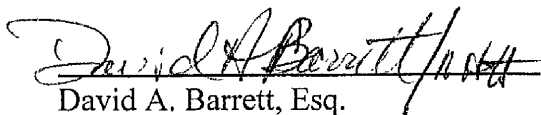
is calculated based on a total refund of \$403,614.,79. However in its PAA Order at p. 5, the Commission recognizes that pursuant to Order No. PSC-96-1082-FOF-WS and existing tariffs for AFPI charges, the refund would be \$555,242.36, a difference of \$151,627.57 and a portion of which would be refundable to Worthwhile. There is no explanation of the difference or any description of the calculation or reason why the refunds to Worthwhile and others is not the full amount of refund to which they are entitled.

6. The Agreement which the Commission proposes to accept was prepared without the participation of parties whose interests are or may be affected by the agreement. Although the agreement calls for refunds, the Petitioner believes that such refunds may not have been correctly calculated and the persons listed as entitled to refunds are or may be due refunds in an amount different from those listed in the Agreement and approved by the Commission.

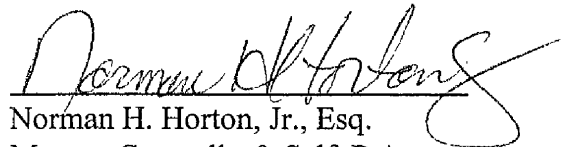
7. Worthwhile requests that the Commission set this matter for hearing to determine the appropriate level of refunds for Worthwhile and the propriety of requiring a release of parties. Pending such hearing and resolution the effectiveness of the Agreement would be stayed.

Wherefore, Petitioner, Worthwhile Development II, Ltd., requests the Commission to schedule a hearing for the purposes described.

Respectfully submitted,



David A. Barrett, Esq.
Barrett and Associates
111 S. Monroe St., Suite 3000
Tallahassee, FL 32301
(850) 222-9000



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(850) 222-0720

Attorneys for Worthwhile Development II, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing in Docket Nos. 980992-WS and 981069-WS have been served upon the following parties by Hand Delivery (*) and/or U. S. Mail this 5th day of July, 2001.

Samantha Cibula, Esq.*
Division of Legal Services, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Ade & Schildberg, P.A.
Scott G. Schildberg
One Independent Drive, Suite 2000
Jacksonville, FL 32202

D. R. Horton Custom Homes, Inc.
6250 Hazeltine National Drive, Suite 104
Orlando, FL 32822

Rose Law Firm
Marshall Deterding
2548 Blairstone Pines Drive
Tallahassee, FL 32301

Southlake Utilities, Inc.
P.O. Box 6209
Tallahassee, FL 32314-6209

Dixie Oil Co.
c/o Mr. Bill Mattick
940 US 27
Clermont, FL 34711

First Federal Savings Bank, Woodridge
P.O. Box 490420
Leesburg, FL 34749-0420

Macchi Professional Offices
c/o Robert Macchi
P.O. Box 336
Oakland, FL 34760

Miller Brothers Re: Handy Way Store
331 Central Avenue
Cresecent City, FL 32112

Publix Shopping Centers, Inc.
Attn: Bob Burkett, Real Estate Manager
P.O. Box 407
Lakeland, FL 33802

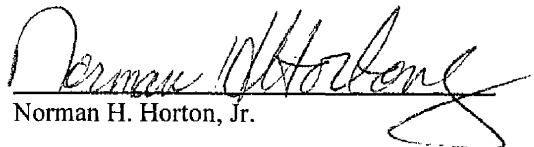
Spur Station
Formerly Exxon Gas Station
400 South US Highway 27
Clermont, FL 34711

Stratford Homes, Inc.
Attn: Mr. Tom Jones
415 Woodstead Circle
Longwood, FL 32779

Summer Bay Partnership
Attn: Paul Caldwell
17085 US Highway 192
Clermont, FL 34711

Ware Oil Company
400 West State Street
P.O. Box 1287
Jacksonville, IL 62651

Wooldridge Homes
Attn: Frank Caske
16630 Woodcrest Way
Clermont, Florida 34711


Norman H. Horton, Jr.