

ORIGINAL

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JAMES L. ADE  
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July 10, 2001

**VIA FEDERAL EXPRESS**

Ms. Blanca Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED  
FLORIDA PUBLIC  
SERVICE COMMISSION  
01 JUL 11 AM 10:55  
MAIL ROOM

Re: Request by St. Johns County, Florida for  
Declaratory Statement concerning a special  
service availability contract with United  
Water Florida Inc., Docket No. 010704-SU

Dear Ms. Bayo:

In connection with the above-referenced matter, please find enclosed an original and seven (7) copies of the Motion for Leave to Intervene ("Motion") filed on behalf of United Water Florida Inc., together with a diskette containing the Motion.

Please file and distribute the enclosures in accordance with your usual procedures.

If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely yours,



Scott G. Schildberg

- APP \_\_\_\_\_
  - CAF \_\_\_\_\_
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- SGS/arh  
Enclosures  
Cc: Gary R. Moseley  
Samantha Cibula  
Suzanne Brownless
- Hong* *collected 7-12-01*  
OPC

DOCUMENT NUMBER-DATE

0844 | JUL 11 01

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSISON

IN RE: Request by St. Johns County,) DOCKET NO. 010704-SU  
Florida for declaratory statement )  
concerning a special service ) DATE SUBMITTED  
availability contract with United ) FOR FILING: JULY 10, 2001  
Water Florida Inc. )  
\_\_\_\_\_ )

MOTION FOR LEAVE TO INTERVENE

United Water Florida Inc. ("United Water Florida" or "Respondent"), by and through its undersigned attorneys, pursuant to Rule 28-106.205, Florida Administrative Code ("FAC"), hereby files this Motion for Leave to Intervene in the docket for the Petition for a Declaratory Statement ("Petition") by St. Johns County, Florida, ("County" or "Petitioner") and states as follows:

1. The County filed the Petition with the Florida Public Service Commission ("FPSC"). The Commission's address is Florida Public Service Commission, 2540 Shurmard Oak Boulevard, Tallahassee, FL 32399-0850. The Commission opened Docket No. 010704-SU for the Petition.

2. The name, address, and telephone number of the Respondent are as follows:

United Water Florida Inc.  
1400 Millcoe Road  
Jacksonville, FL 32225  
Phone: (904) 725-2865

DOCUMENT NUMBER-DATE

0844 | JUL 11 01

FPSC-RECORDS/REPORTING

3. The name, address, telephone number, and facsimile number of the attorney of the Respondent are as follows:

James L. Ade  
Scott G. Schildberg  
Ade & Schildberg, P.A.  
One Independent Drive, Suite 2000  
Jacksonville, FL 32202  
Phone: (904) 358-8818  
Fax: (904) 354-5842

4. The Petition seeks Commission declaratory action regarding an arrangement in which United Water Florida would enter into a lease agreement and a service agreement with the County whereby United Water Florida would lease utility facilities from the County and use them to provide wastewater service to residents of the Ponte Vedra Municipal Service District ("Ponte Vedra MSD"). United Water Florida's substantial interests would be effected because the arrangement proposed by the County would limit United Water Florida's ability to fully collect the applicable service availability charges at the time of connection. Furthermore, the proposed agreements do not provide for United Water Florida to fully recover all of the allowed charges under its service availability policy (e.g., administrative fees, inspection fees, and legal fees) and contain other provisions not acceptable to United Water Florida. The Commission's action on the Petition, as requested, would require the Commission to interpret provisions of United Water Florida's service availability policy. The

Commission's action on the Petition substantially affects the interests of the Respondent because it could result in limitations on United Water Florida's ability to charge and collect charges from the County and others and establish precedents in the interpretation of United Water Florida's service availability policy adverse to United Water Florida's substantial interests, including United Water Florida's ability to enter into leases without prior Commission approval.

5. Respondent received a copy of the Petition on or around May 10, 2001, from Petitioner's attorney through delivery to Respondent's attorney.

6. The Petition is a request for declaratory relief based upon certain allegations set forth in the Petition. United Water filed a Response to the Petition for Declaratory Statement ("Response"). United Water Florida hereby incorporates by reference and restates paragraphs 9 through 13 of the Response as disputed issues of material fact. United Water Florida also restates as a disputed issue of material fact that United Water Florida does not intend to enter into the Lease Agreement and Special Service Availability Contract as proposed by the County. Whether the service agreement should be deemed to be a developer agreement under Rule 25-30.515(6), FAC, or a Special Service

Availability Contract under Rule 25-30.515(18), FAC, United Water Florida's position is that regardless of the designation, the agreement will be basically United Water Florida's standard developer agreement with as few revisions as possible.

7. The Commission has not yet issued a notice of proposed action. Accordingly, Respondent is not requesting a revision or modification of an agency's proposed action and can not provide the information requested in Rule 28-106.201(e), (f), and (g), FAC, regarding such a request. In order to comply with the requirements of Rule 28-106.201 (e), (f) and (g), FAC, to the extent currently possible, Respondent hereby incorporates by reference and restates paragraphs 3 through 16 of the Response.

Respectfully submitted,

**ADE & SCHILDBERG, P.A.**

By: 

**James L. Ade**

Florida Bar No. 0000460

**Scott G. Schildberg**

Florida Bar No. 0613990

One Independent Drive

Suite 2000

Jacksonville, FL 32202

Telephone: (904) 354-8818

**Attorneys for United Water  
Florida Inc.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and seven copies of the Motion for Leave to Intervene has been furnished by Federal Express this 10<sup>th</sup> day of July, 2001, to Blanca Bayo, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and a copy of the foregoing has been furnished to Suzanne Brownless, Esquire, Suzanne Brownless, P.A., 1311-B Paul Russell Road, Suite 201, Tallahassee, Florida 32301, and Samantha Cibula, Esquire, Florida Public Service Commission, Tallahassee, Florida 32399-0850, by U.S. Mail and fascimile, this 10th day of July, 2001.

  
\_\_\_\_\_  
Attorney