

ORIGINAL

LAW OFFICES
ROSE, SUNDBSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301
(850) 877-6555

RECEIVED-FPSC
61 OCT -2 AM 11:31
COMMISSION CLERK
MAILING ADDRESS
POST OFFICE BOX 1567
TALLAHASSEE, FLORIDA 32302-1567

TELECOPIER (850) 656-4029

CHRIS H. BENTLEY, P.A.
F. MARSHALL DETERDING
MARTIN S. FRIEDMAN, P.A.
JOHN R. JENKINS, P.A.
STEVEN T. MINDLIN, P.A.
JOSEPH P. PATTON
DAREN L. SHIPPY, LL.M. TAX
WILLIAM E. SUNDBSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON

ROBERT M. C. ROSE
OF COUNSEL

October 2, 2001

VIA HAND DELIVERY

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

Re: Docket No. 010941-WS; Application of Kings Point Utility, Inc. for water and
wastewater certificates in Osceola County
Our File No. 26039.06

Dear Ms. Bayo:

The following information is being provided to you in response to the PSC Staff's August 31, 2001 letter requesting additional information regarding the above-referenced docket:

1. As the Commission Staff is well aware, this utility system has been run by the City of Kissimmee under receivership for the last nine years and thus Kings Point Utility, Inc. has no actual financial statements for the 12 months ending July 31, 2001, which the purpose of utilizing the proforma information compiled by Hartman & Associates. The primary shareholder does not already have prepared a current financial statement and is in the process of doing so. Such financial statement will be provided to the Staff in due course.

2. The lease for the land upon which the lift station is located was approved by this Commission in Order No. 23120 issued June 26, 1990. Merely because ten years has run on that lease does not mean that it is now insufficient under Florida law. To determine otherwise, would be to require all leases to be renegotiated prior to their termination. That does not make practical or business sense.

APP _____
CAF _____
CMP _____
COM 3 _____
CTR _____
ECR _____
LEG 1 _____
DPC _____
PAI _____
RGO _____
SEC 1 _____
SER _____
OTH _____

RECEIVED & FILED

Blackland
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

12435 OCT-20

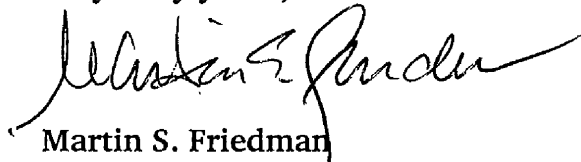
FPSC-COMMISSION CLERK

Ms. Blanca Bayo, Clerk
October 2, 2001
Page 2

3. There is an obvious need for service in the developed portions of the proposed service area since there are approximately 155 persons receiving water and wastewater service therein. When the City of Kissimmee is relieved of its responsibilities as receiver, someone will need to provide that service. The undeveloped portions of the proposed service area are between the existing service area and a major roadway. It is substantially owned by one family and is prime development property. The City of Kissimmee who also wants to serve the undeveloped portions of the proposed service area acknowledges the need for service in this area within the reasonable foreseeable future.

4. To the best of applicant's knowledge, the provision of service in both the developed and undeveloped portions of the proposed territory will be consistent with the water and wastewater sections of the local comprehensive plan as approved by the Department of Community Affairs at the time the application is filed. While the Comprehensive Plan may designate another entity as the provider of water and wastewater service that determination has no legal significance. See *The City of Oviedo vs. Alafaya Utilities, Inc.*, 704 So.2d 206 (Fla. 1st DCA 1998).

Very truly yours,



Martin S. Friedman
For the Firm

MSF/brm

cc: Mr. Walter Lee Medlin
Larry Harris, Esquire