

ORIGINAL

RUTLEDGE, ECENIA, PURNELL & HOFFMAN
PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
GARY R. RUTLEDGE
GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

December 18, 2001

Ms. Blanca S. Bayo, Director
Commission Clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

HAND DELIVERY

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COMMISSION
CLERK

Re: Docket No. 980744-WS

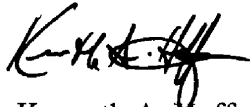
Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Florida Water Services Corporation ("Florida Water") are the original and fifteen copies of Florida Water's Motion for Waiver of Noticing Requirements in the Order Establishing Procedure

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

APP _____
CAF _____
CMP _____
COM 5 KAH/rl
CTR _____ Enclosures
ECR _____ cc: Counsel of Record
LEG _____ Bayo.1114
OPC _____
PAJ _____
RGS _____
SEC _____
SER _____
OTH _____

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DOCUMENT NUMBER-DATE

15770 DEC 18 01

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into ratemaking)
considerations of gain on sale from sale)
of facilities of Florida Water Services)
Corporation to Orange County.)
_____)

Docket No. 980744-WS

Filed: December 18, 2001

**FLORIDA WATER SERVICES CORPORATION'S
MOTION FOR WAIVER OF
NOTICING REQUIREMENTS IN THE
ORDER ESTABLISHING PROCEDURE**

Florida Water Services Corporation ("Florida Water"), by and through its undersigned counsel, and pursuant to Rule 28-106.204(1), Florida Administrative Code, hereby moves for a waiver of the noticing requirements set forth in the Order Establishing Procedure, Order No. PSC-00-1170-WS issued June 27, 2000 in the above-referenced docket. In support of this Motion, Florida Water states as follows:

1. On June 27, 2000, the Prehearing Order issued the Order Establishing Procedure in this docket. Under the section of the Order entitled Notice and Public Information, at page 3, the Order states:

The Utility shall comply with the requirements of Rule 25-22.0405, *Florida Administrative Code*. The Utility shall publish notice of the date, time, location, and purpose of the hearing in a newspaper of general circulation in the area affected. The date of publication shall be no less than 14 and no more than 30 days prior to the first day of the hearing.

Moreover, pursuant to Rule 25-22.0405, *Florida Administrative Code*, the Utility shall give written notice of the date, time, location, and purpose of the hearing to each of the customers in the area affected no less than 14 days prior to the first day of the hearing. The Utility shall utilize first class mail for notices sent to customers with out of town mailing addresses.

In addition, the above-described notices shall also include a statement that any customer comments regarding the Utility's service

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

or the proposed rate increase should be addressed to the Director, Bureau of Records and Hearing Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and that such comments should identify the docket number assigned to this proceeding.

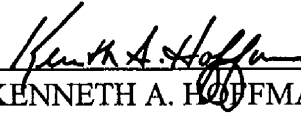
2. The above stated noticing requirements are those typically found in procedural orders issued in dockets involving petitions for increases in rates. This docket does not involve a request by Florida Water to increase rates. Nor does it involve any quality of service issues. Florida Water believes that the above stated noticing provisions were inadvertently included in the Order Establishing Procedure as they have no application to the matters at issue in this docket.

3. Moreover, as confirmed by the Affidavit of Forrest L. Ludsen (attached hereto as Exhibit "A"), Vice President and Chief Operating Officer of Florida Water, it will cost Florida Water approximately \$40,000 to comply with the noticing requirements included in the Order Establishing Procedure which have no application in this docket.

4. Florida Water maintains that no legitimate end is served by requiring Florida Water to expend approximately \$40,000 on notice requirements that were inadvertently included in the Order Establishing Procedure and serve no legitimate purpose in this docket.

WHEREFORE, for the foregoing reasons, Florida Water respectfully requests that the Prehearing Officer enter an Order waiving the above described provisions Notice and Public Information provisions in the Order Establishing Procedure.

Respectfully submitted,



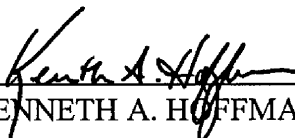
KENNETH A. HOFFMAN, ESQ.
J. STEPHEN MENTON, ESQ.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, FL 32302
(850) 681-6788 (Telephone)
(850) 681-6515 (Telecopier)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by hand delivery to the following this 18th day of December, 2001:

Jennifer Brubaker, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, FL 32399-0850

Steve Burgess, Esq.
Office of Public Counsel
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400



KENNETH A. HOFFMAN, ESQ.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into ratemaking)
considerations of gain on sale from sale)
of facilities of Florida Water Services)
Corporation to Orange County.)
_____)

Docket No. 980744-WS

STATE OF FLORIDA
COUNTY OF ORANGE

AFFIDAVIT OF FORREST L. LUDSEN

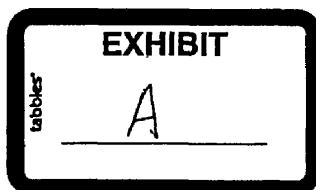
BEFORE ME, the undersigned authority, personally appeared Forrest L. Ludsen, who having been duly sworn, deposes and says:

1. I am the Vice President and Chief Operating Officer of Florida Water Services Corporation ("Florida Water").

2. I have reviewed the Notice and Public Information provisions set forth in Order No. PSC-00-1170-PCO-WS issued June 17, 2000 (Order Establishing Procedure) in this docket.

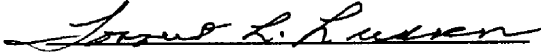
3. I have supervised and participated in numerous proceedings before this Commission involving applications by Florida Water for increases in water and wastewater rates, all of which have appropriately required Florida Water to provide individual notices to customers as well as publications of notices of hearings in newspapers of general circulation in the areas affected to allow customers the opportunity to provide input to the Commission on Florida Water's quality of service and requests for increase in rates.

4. This specific docket does not concern Florida Water's quality of service or a request by Florida Water to increase its water or wastewater rates.

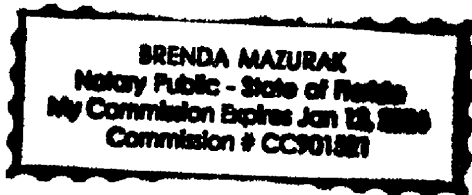


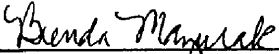
5. To comply with the noticing requirements in the Order Establishing Procedure,

Florida Water will incur administrative and postage costs of approximately \$40,000.


FORREST L. LUDSEN

Sworn to and subscribed before me by on this 28th day of November, 2001, by FORREST L. LUDSEN, who is personally known to me or produced _____ for identification purposes.




NOTARY PUBLIC

State of Florida at Large

Ludsen.affidavit