

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION CLERK

IN RE:

Application of KNIGHT WATER
UTILITY, INC. for original Water
Certificate in Charlotte County, Florida

DOCKET NO.: 020746-WU

**OBJECTION OF BOCILLA UTILITIES, INC. TO
APPLICATION FOR INITIAL CERTIFICATE OF AUTHORIZATION
FOR WATER CERTIFICATE**

Pursuant to Section 367.045, Fla. Stat., and Public Service Commission Rule 25-30.031, Fla. Admin. Code, Bocilla Utilities, Inc., hereby submits its objection to the application for an initial Certificate of Authorization for Water Certificate submitted by Knight Water Utility, Inc., on July 17, 2002. In support of its objection, Bocilla Utilities states as follows:

1. Bocilla Utilities is a certificated water utility, Certificate No. 574-WU, providing service on Don Pedro Island in Charlotte County, Florida. By Commission Order No. PSC-95-0966-FOF-WU, Docket No. 950269-WU, issued August 8, 1995, Bocilla Utilities was approved to serve all lands on Don Pedro Island in Sections 28, 29, 32, and 33, Township 41 South, Range 20 East, and a portion of the lands in Section 4, Township 42 South, Range 20 East, Charlotte County, between the south line of a recorded subdivision known as Don Pedro Beach and the northerly line of Palm Island Estates. A copy of Bocilla Utilities' description of territory served is attached hereto as Exhibit A.

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2. Bocilla Utilities' certificated area currently contains approximately 750 platted and subdivided lots on Don Pedro Island. Slightly fewer than 300 residences currently exist on those lots. Bocilla Utilities provides water services to almost all of these residences (approximately 275); the few residences not served by Bocilla refuse to connect to a water utility, and prefer to meet their water needs by collecting rainwater in cisterns, and other means.

3. On a date not immediately ascertainable, but believed to be on or about July 22, 2002, Bocilla Utilities received a Notice of Application for an initial Certificate of Authorization for water certificates from Knight Water Utility, Inc. ("the Applicant"). A copy of the notice is attached hereto as Exhibit B.

4. The Notice of Application indicates that the area which the applicant proposes to serve includes a portion of Section 29, Township 41 South, Range 20 East. Bocilla Utilities, upon reasonable inquiry based on the limited amount of time afforded to investigate this matter, believes that Knight Water Utility may be seeking by its notice to extend service into an area that is within the territory served by Bocilla Utilities. To the extent the applicant does seek to intrude into the territory served by Bocilla Utilities, Bocilla Utilities objects to the issuance of an initial Certificate of Authorization to the applicant.

5. Bocilla Utilities' system for distributing water is adequate to meet the demands of its entire system and to meet the reasonable needs of the public, and Bocilla Utilities is able, willing, and ready to provide service to all persons within its certificated area. Approval of another water utility to serve any portion of its area would be duplicative of Bocilla Utilities' services and facilities and in competition with it. The public interest would best be served by having Bocilla Utilities be the sole supplier of water within its service area.

FILED and SERVED this 16th day of August, 2002.


M. CHRISTOPHER BRYANT
Fla. Bar I.D. No. 434450

OERTEL, HOFFMAN, FERNANDEZ
& COLE, P.A.
Post Office Box 1110
Tallahassee, FL 32302-1110
Telephone: (850) 521-0700
Facsimile: (850) 521-0720

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by HAND-DELIVERY to Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-085; and a true copy by U.S. Mail to MARTIN S. FRIEDMAN, Attorney at Law, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, this 16th day of August, 2002.


Attorney

MCB/dg/
BocillaObjectionKnightWater.Pid

NAME OF COMPANY BOCILLA UTILITIES, INC.

WATER TARIFF

(Continued from Sheet No. 3.0)

DESCRIPTION OF TERRITORY SERVEDSERVICE AREA
DESCRIPTION OF TERRITORY SERVED

All those lands in Section 28, 29, 32 and 33, Township 41 South, Range 20 East and a portion of the lands in Section 4, Township 42 South, Range 20 East, Charlotte County, Florida, lying between the center line of the Intracoastal Waterway (W.C.I.N.D.) and the Gulf of Mexico, bounded on the South by the South line of DON PEDRO BEACH, as recorded in Plat Book 7, pages 17A through 17B, of the Public Records of Charlotte County, Florida, and an Easterly projection thereof, and bounded on the North by a line described as follows:

Beginning at the intersection of the Gulf of Mexico and the Northerly line of PALM ISLAND ESTATES, Unit No. 1, as recorded in Plat Book 3, Pages 59A through 59C, of the Public Records of Charlotte County, Florida;

thence Northeasterly, along said Northerly line, to an intersection with the North line of the South half of said Section 29;

thence Easterly, along the North line of the South half of said Sections 28 and 29, to the center line of said Intracoastal Waterway.

The above description contains Plats of various units of PALM ISLAND ESTATES, DON PEDRO BEACH, various condominiums and other lands.

R. Craig Noden
ISSUING OFFICER

President
TITLE

**NOTICE OF APPLICATION FOR AN INITIAL
CERTIFICATE OF AUTHORIZATION
FOR WATER CERTIFICATE**

July 17, 2002

Knight Water Utility, Inc., 7092 Placida Road, Cape Haze, Florida 33946 pursuant to Sections 367.031 and 367.045, Florida Statutes, hereby notices its intent to apply to the Florida Public Service Commission for a certificate to provide water service to the following described property in Charlotte County, Florida:

That portion of Sections 19, 20, and 29 in Township 41 South, Range 20 East bounded on the West by the Gulf of Mexico, on the East by the Intercoastal Waterway, on the North by Stump Pass and on the South approximately by the South line of the North One-Half of the aforementioned Section 29, consisting of Thornton Key, Knight Island and Don Pedro Island.

Any objections to the Application must be filed with the Director, Division of Records & Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with a copy to Martin S. Friedman, Esquire, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, no later than 30 days after the last date that the Notice was mailed or published, whichever is later.

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