

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

ORIGINAL

COMMISSION
CLERK

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RECEIVED-FPSC

DATE: January 21, 2003
TO: Division of the Commission Clerk and Administrative Services
FROM: Lorena A. Holley, Senior Attorney, Office of the General Counsel *JAM*
RE: Docket No. 021066-WS - Investigation into Proposed Sale of the Florida Water Services Corporation

Please file the attached comments from Senator Nancy Argenziano, received in response to Commission staff's request for comments, in the above-referenced docket.

AUS _____
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OTH *Long*

Done 1/23/03

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FPSC-COMMISSION CLERK



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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Appropriations - Subcommittee on Criminal Justice
Comprehensive Planning
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Ethics and Elections
Natural Resources

JOINT COMMITTEE:
Administrative Procedures

SENATOR NANCY ARGENZIANO
3rd District

January 21, 2003

To: Florida Public Service Commission, Attn: Tim Devlin

Re: Docket No. 021066-WS; PSC Memorandum 12/20/02

Ladies and Gentlemen:

Pursuant to Tim Devlin's Memorandum of December 20, 2002, please consider my following comments:

1. The undersigned is an "interested person" in that I am duly elected to the Florida Senate, with constituencies to be affected by a sale of FWSC to FWSA, and to be otherwise affected by construction of Chapters 163, 367 and 373 F.S.
2. My reading of the definitions involved leads me to conclude that the FWSA is not a "governmental authority," which would appear to eliminate any possibility of FWSC and FWSA receiving an "automatic" approval of the sale by the PSC. This position seems reinforced by my view that any "authority" asserting to act under color of "government" can only do so when its obligations and operations are accountable to those served through the safeguard established by the voting franchise. The proposed sale, to FWSA, however, is to a body completely without any political accountability to those to be served by the water and wastewater facilities to be purchased. This seems, to me, to be in derogation both of the letter and the spirit of the "governmental authority" contemplated by the statute.
3. The entire scheme behind Chapter 373 was to avoid the predictable effect presented by the assumption of authority here by FWSA: that uncontrolled and unaccountable mandates upon citizens in the provision of essential amenities may be had. To the eternal shame of Milton and Gulf Breeze, these governments willingly subvert themselves to the protracted schemes of FWSC in its continuing effort to be unjustly enriched at the expense of its customers.
4. I would encourage you to find, not only that the automatic or matter of right transfer is not applicable here, but that you have a statutory obligation to require FWSC to make application for

REPLY TO:

- 8216 West Corporate Oaks Drive, Crystal River, Florida 34429-2884 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

Senate's Website: www.flsenate.gov

JAMES E. "JIM" KING, JR.
President

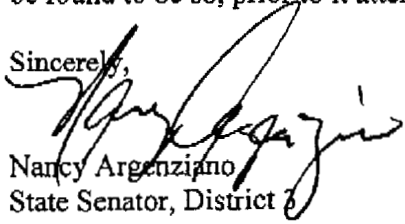
ALEX DIAZ DE LA PORTILLA
President Pro Tempore

January 21, 2003

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and receive a determination from the PSC that the sale is in the "public interest," if indeed it can be found to be so, prior to it attempting to irrevocably selling its assets to FWSA.

Sincerely,



Nancy Argenziano
State Senator, District 7