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February 21, 2003

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COMMISSION
CLERK

Ms. Blanca Bayo
Commission Clerk and Administrative Services Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: City of Marco Island;
Petition to Intervene
Docket No. 021066-WS
Our File No. 33097.08

Dear Ms. Bayo:

Enclosed please find an original and fifteen (15) copies of the City of Marco Island's Petition to Intervene in Docket No. 021066-WS, Investigation into Proposed Sale of Florida Water Services Corporation before the Florida Public Service Commission. Should you have any questions regarding this matter, please do not hesitate to call.

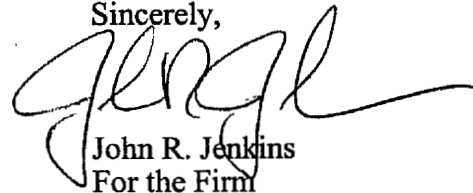
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JRJ:wjl

Enclosures

cc: Mr. A. William Moss
Richard Yovanovich, Esq.
Marco City\08\PSC Clerk022103ltr

Sincerely,



John R. Jenkins
For the Firm

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R.V.N.

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
Proposed Sale of Florida
Water Services Corporation

Docket No. 021066-WS

CITY OF MARCO ISLAND'S PETITION TO INTERVENE

COMES NOW, Petitioner, The City of Marco Island, Florida (the "City"), a Florida municipal corporation, pursuant to Rule 25-22.039 F.A.C., and files this Petition To Intervene in the above referenced docket and in support thereof, states:

1. The name and address of the agency affected by this petition is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. The name, address and telephone number of the Petitioner is the City of Marco Island, 50 Bald Eagle Drive, Marco Island, Florida 34145, (239) 389-5000.

3. The name, address and telephone number of Petitioner's representative is: John R. Jenkins, Esquire, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, (850) 877-6555.

4. The City was informed in October, 2002 of the opening of Public Service Commission Docket No. 021066-WS, Investigation into Proposed Sale of Florida Water Services Corporation. The City presented oral argument before the PSC at its February 4th, 2003 Agenda Conference in this matter.

5. Florida Water Services Corporation ("FWSC") is a water and wastewater service provider regulated by this Commission pursuant to Chapter 367, Florida Statutes. FWSC proposes to sell its water and wastewater utility systems to the Florida Water Services Authority ("FWSA") a creature of statute created by interlocal agreement between the Cities of Gulf Breeze and Milton

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FPSC-COMMISSION CLERK

pursuant to Chapter 163 Florida Statutes. FWSC owns water and wastewater systems in twenty-six (26) counties, none of which are located in the Cities of Gulf Breeze and Milton. The FWSA is located approximately 500 miles from Marco Island.

6. The City has a substantial and material interest in this case in that the water and wastewater systems owned and operated by FWSC provided service to the City, and to thousands of its residents and visitors, and the sale of such assets to the FWSA will affect the provision and cost of such services to the City and its residents.

7. The City and its residents will be substantially affected by: (i) the payment of rates and charges collected for service on Marco Island and paid to the City of Gulf Breeze and the City of Milton through the FWSA; (ii) the stated intent of the FWSA to increase connection charges to customers on Marco Island; and, (iii) the complete lack of accountability of the FWSA with regard to rates, fees, charges, quality of service, capital improvements, and the use of water resources affecting the City and its residents.

8. Disputed issues of material fact include: (1) whether the FWSA is a governmental authority within the meaning of Chapter 367, F.S.; (2) whether the transfer is in the public interest; (3) whether a contingency provision allowing for closing prior to PSC approval is adequate to protect the interests of the customers of FWSC; and, (4) whether FWSC has filed an application for transfer which meets the requirements of Chapter 367, F.S. and Commission rule.

9. The specific statutory and rule requirements which are the subject of this proceeding are Section 367.071, F.S. regarding the sale, assignment or transfer of certificate of authorization; Section 367.021(7), F.S. regarding the definition of a governmental authority; Section 367.022(2), F.S. regarding the exemption for non-profit corporations acting on behalf of political subdivisions; and Rule 25-30.037, F.A.C. regarding applications for authority to transfer certificates.

10. The relief sought by the City is the Commission's denial of an application by FWSC to transfer its assets to FWSA.

11. The City agrees to take the case as it finds it.

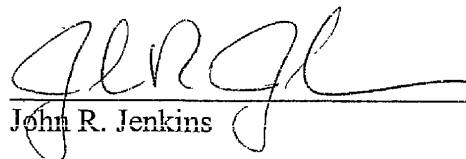
WHEREFORE, the City respectfully requests the Commission enter an Order granting the City's Motion to Intervene and be permitted to participate in this cause as a party.



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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following by U.S. Mail, this 21st day of February, 2003.


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