

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
proposed sale of Florida Water
Services Corporation.

DOCKET NO. 021066-WS
ORDER NO. PSC-03-0344-PCO-WS
ISSUED: March 10, 2003

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition filed February 21, 2003, the Flagler County Utility Regulatory Authority (FCURA) requests leave to intervene in this proceeding. In support of its Petition, FCURA states that it is entitled to intervene in this docket pursuant to Rules 25-22.039, 28-106.201, and 28-106.205, Florida Administrative Code, and because the Commission's determinations herein will almost certainly determine whether Florida Water Services Corporation (FWSC) is able to proceed to consummate the proposed transfer to the Florida Water Services Authority (FWSA). Furthermore, if the transfer occurs, FCURA will face the potential loss of its ability to effectively protect the customers of FWSC's systems in Flagler County. This loss of regulatory authority would be an immediate injury of dramatic magnitude and impact on the FCURA and on the public served by FWSC's systems in Flagler County. Finally, FCURA states that as a sister agency of the Commission facing identical issues in proceedings regarding FWSC's systems in Flagler County, FCURA should be allowed to intervene as a matter of comity. No response in opposition to the Petition has been filed.

Having reviewed the Petition, it appears that FCURA's substantial interests may be affected by this proceeding. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, FCURA takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene, filed by the Flagler County Utility Regulatory Authority, is hereby granted. It is further

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORDER NO. PSC-03-0344-PCO-WS

DOCKET NO. 021066-WS

PAGE 2

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents that are hereinafter filed in this proceeding, to the following:

Robert Scheffel Wright
John T. LaVia, III
Landers & Parsons, P.A.
310 West College Avenue
Post Office Box 271
Tallahassee, Fl 32303

Carl E. Kern, County Attorney
Flagler County
1200 East Moody Blvd., #11
Bunnell, Florida 32110

Arthur Sirkin, Esquire, Administrator
Flagler County Utility Regulatory Authority
2285 East Moody Blvd., Ste. 209
Bunnell, Florida 32110

By ORDER of the Florida Public Service Commission this 10th
day of March, 2003.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Marcia Sharma
Marcia Sharma, Assistant Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

LAH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.