

ORIGINAL

Gary L. Wilkins
W. Cort Frohlich*
Phillip J. Jones**
Jesus M. Hevia***
W. Kevin Russell
Louise Hanaoka
Catherine Douglas*****
John B. Mizell*****
Brian M. Beason
James D. Gordon



**WILKINS, FROHLICH,
JONES, HEVIA, RUSSELL,
HANAOKA & MIZELL, P.A.**
Attorneys At Law

- * FL Bar Board Certified Civil Trial Lawyer
- ** Also Admitted in Colorado
- *** Certified Family Mediator
- **** Also Admitted in RI & Mass.
- ***** FL Bar Board Certified Wills, Trusts & Estates

MAIN OFFICE
18501 MURDOCK CIRCLE, 6th FLOOR
PORT CHARLOTTE, FL 33948-1039
PHONE (941) 625-0700
FAX (941) 625-9540
EMAIL: wilkins@wilkinslaw.com
www.wilkinslaw.com

NORTH PORT OFFICE
14295 S. TAMiami TRAIL
NORTH PORT, FL 34287
PHONE (941) 429-1871
FAX (941) 429-8961
EMAIL: wilkins@wilkinslaw.com
www.wilkinslaw.com

RECEIVED FPSC
FEB 12 AM 11: 00
COMMISSION CLERK
REPLY TO: Port Charlotte

February 11, 2004

VIA OVERNIGHT MAIL

Ms. Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Application of Island Environmental Utility, Inc.
Docket No. 020745-SU

DISTRIBUTION CENTER
04 FEB 12 AM 10: 21

Dear Ms. Bayo:

Enclosed are the original and fifteen (15) copies of an Amended Motion to Intervene and counsel's Notice of Appearance in the above referenced preceding.

Please acknowledge receipt of these documents by stamping the extra copy of this letter filed and returning the same to the undersigned in the self-addressed stamped envelope enclosed.

Thank you for your assistance with this filing.

AUS _____
CAF _____
CMP _____
COM 3 _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH 1 _____

GLW/kbd
Enclosures
cc: PIE, c/o Valerie Guenther

RECEIVED & FILED
Jh
FPSC-BUREAU OF RECORDS

Very truly yours,

WILKINS, FROHLICH, JONES, HEVIA,
RUSSELL, HANAOKA & MIZELL, P.A.

By: *Gary L. Wilkins*
Gary L. Wilkins

DOCUMENT NUMBER - DATE
02022 FEB 12 04
FPSC-COMMISSION CLERK

**STATE OF FLORIDA
BEFORE THE PUBLIC SERVICE COMMISSION**

In re: Application of ISLAND ENVIRONMENTAL
UTILITY, INC., for an original Wastewater Certificate
in Charlotte County, Florida

Docket No. 020745-SU

AMENDED MOTION TO INTERVENE

PALM ISLAND ESTATES ASSOCIATION, INC., (hereinafter "PIE"), a non-profit corporation, incorporated under the laws of the State of Florida, as a voluntary property owner's association, files this its Amended Motion to Intervene in the above proceedings and as grounds therefor would show:

1. PIE previously filed a letter request to intervene in the above referenced matter by and through its president, Valerie Guenther. A copy of said letter is attached hereto as movant's Exhibit "A", dated November 20, 2003 and received by the Florida Public Service Commission (FPSC) on November 24, 2003. At the time of said filing, PIE was unrepresented by counsel.
2. To the knowledge of the undersigned, PIE's request for intervenor status has not yet been determined.
3. On Sunday, February 8, 2004, the undersigned attorney was retained by PIE to represent its interests in the above referenced matter.
4. PIE presently has over 190 members who are owners of real property within the proposed service territory of the applicant, Island Environmental Utility, Inc.
5. PIE has standing to participate in these proceedings since its members are substantially affected by the requested certification and this Amended Motion is filed on behalf of said members.
6. Many of PIE's members are full time residents of Don Pedro Island, Knight Island, and other island properties collectively referred to as Palm Island all of which land areas lie within the proposed service area of the applicant .
7. In addition to the financial and health concerns of PIE's membership, the applicant's request for certification adversely impacts the interests of PIE members because the issuance of the requested certificate violates the established local comprehensive plan policy, Infrastructure Policy 9.1.4, adopted pursuant to §163.3161-163.3211, Florida Statutes. Specifically, that policy prohibits the expansion of sanitary sewer services outside of Charlotte County's Infill Area Boundaries. As such, the proposed wastewater

DOCUMENT NUMBER-DATE

02022 FEB 12 3

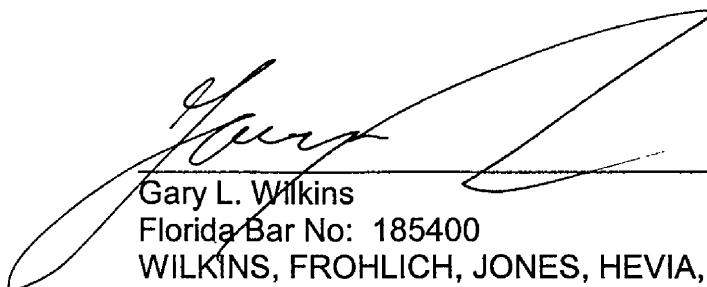
FPSC-COMMISSION CLERK

treatment facility and wastewater service on the bridgeless barrier island violates the interest of all those resident property owners, citizens of Charlotte County who fall within the purview of Charlotte County's Comprehensive Plan.

8. The establishment of the proposed wastewater treatment facility is contrary to State and County policies in that it promotes growth on barrier islands by expanding utility services which will encourage a complete buildout of the service area while at the same time risking irreparable damage to lands which are environmentally sensitive, susceptible to erosion and flooding, difficult to provide with necessary services, such as: fire, police, Ems, etc. These risks have been noted in Exhibit EK-2, attached to the direct testimony of Elliot Kampert, environmental services manager for Charlotte County filed with the public service commission on November 13, 2003.
9. Because the undersigned attorneys were only retained by PIE on February 8, 2004, it is hereby requested that the Public Service Commission grant PIE a ten (10) day period within which to file prehearing testimony in support of PIE's contentions that the application of Island Environmental Utility, Inc., should be denied. This request is made notwithstanding the fact that the time period for filing prehearing testimony has passed, especially since granting this request will not prejudice the applicant whose own filings had been deemed deficient and who has only recently, within the past few days, attempted to cure those deficiencies. Further, the interests of justice will be served by granting Intervenor status to PIE and/or to allow PIE additional time within which to file prehearing testimony. No prejudice will result to the applicant or the other Intervenors by granting PIE's request. Through its recent retention of counsel, PIE would show that it is aware of the gravity of these proceedings and does not seek to unduly delay these proceedings, but rather seeks to assure that the interests of its constituents will be represented in these proceedings.
10. As additional support for its requested relief, PIE would show that on February 10, 2004 it received a copy of the applicant's February 6, 2004 filing in which the applicant has included its intentions to file a Restated Application to modify its previous discovery responses. The proposed new information represents a substantial change to the filings previously provided by the applicant. As such, PIE and all the parties should be given additional time within which to respond to fully comply with the procedural requirements of the Public Service Commission.

WHEREFORE, PIE requests additional time within which to file prehearing testimony and by which to file its prehearing statement in the event that PIE's Amended Motion to Intervene is granted.

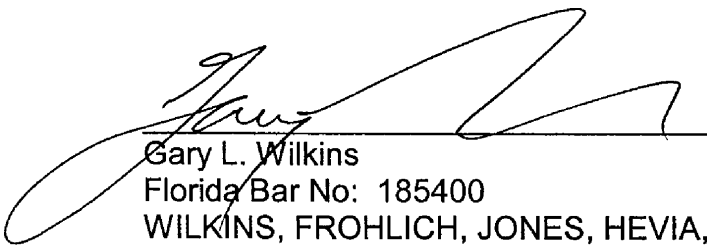
Respectfully submitted this 11th day of February, 2004.



Gary L. Wilkins
Florida Bar No: 185400
WILKINS, FROHLICH, JONES, HEVIA,
RUSSELL, HANAOKA & MIZELL, P.A.
18501 Murdock Circle, 6th Floor
Port Charlotte, FL 33948
Telephone: (941) 625-0700
Facsimile: (941) 625-9540

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Amended Motion to Intervene has been furnished by U.S. Mail this 12th day of February, 2004 to: Roseanne Gervasi, Staff Counsel, Florida Public Service Commission, Gerald L. Gunter Building, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850; Janette S. Knowlton, Assistant County Attorney, Charlotte County, 18500 Murdock Circle, Port Charlotte, FL 33948; W. Kevin Russell, Esq., Wilkins, Frohlich, et al., 14295 S. Tamiami Trail, North Port, FL 34287, Daniel Nolan, 156 Bayview Avenue, POE 23-S4, Port McNicoll, Ontario, Canada LOK 1R0, Ronald A. Koenig, 8006 Lago Vista Drive, Tampa, FL 33614; Linda Bamfield, P.O. Box 5063, Grove City, FL 34224; and Martin S. Friedman, Esq., Rose, Sundstrom & Bentley, LLP, 600 S. North Lake Boulevard, Suite 160, Altamonte Springs, FL 32701.



Gary L. Wilkins
Florida Bar No: 185400
WILKINS, FROHLICH, JONES, HEVIA,
RUSSELL, HANAOKA & MIZELL, P.A.
18501 Murdock Circle, 6th Floor
Port Charlotte, FL 33948
Telephone: (941) 625-0700
Facsimile: (941) 625-9540

ORIGINAL

EXHIBIT "A"

RECEIVED--FPSC

03 NOV 24 AM 9:46

Palm Island Estates Association, Inc.
P.O. Box 5244
Grove City, FL 34224

COMMISSION
CLERK

November 20, 2003

Before the Public Service Commission

In re: Application for certificate to provide wastewater service in Charlotte County
By Island Environmental Utility, Inc.

Docket no. 020745-SU

Ms. Blanca Bayo
Commission Clerk and Administrative Services Director
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

To whom it may concern:

Palm Island Estates Association, Inc. is a non-profit association of homeowners on Knight Island, Palm Island, Don Pedro Island and Thornton Key. It was formed to promote cooperation among all property owners, to offer a representative voice in civic and community affairs and to provide assistance and improvement to the islands. We have a membership of 192 property owners who own real property in the proposed service territory.

The Palm Island Estates Association Board has voted to request intervenor status in the certification of Island Environmental Utility, Inc. wastewater docket number 020745-SU. The granting of this certificate would affect the interest of the majority of our members.

There has been no evidence delivered or need demonstrated for this service. It is in direct conflict with our local Comprehensive Plan and our community goals to discourage over-development of the environmentally sensitive Barrier Islands. We object to a privately held utility in our community.

Sincerely,

Palm Island Estates Association, Inc.

Valerie Guenther
President

Cc: Roseanne Gervase, Esq.
Office of General Council
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

AUS
CAF
CMP
COM 5
CTR
ECR
GCL
OPC
WMS
SEC
DTH Amy

DOCUMENT NUMBER-DATE

11904 NOV 24 03

FPSC-COMMISSION CLERK