

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Application for certificate  
to provide wastewater service in  
Charlotte County by Island  
Environmental Utility, Inc.

Docket No. 020745-SU  
Filed: February 16, 2004

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**JOINT PREHEARING STATEMENT OF JAMES W. WADE AND  
THE PRESERVE OF DON PEDRO OWNERS ASSOCIATION**

James W. Wade ("Wade") and The Preserve of Don Pedro Owners Association ("Association") by and through undersigned counsel and pursuant to the Order Establishing Procedure, Order No. PSC-02-1611-PCO-SU, jointly submit this Prehearing Statement in this proceeding. Wade and the Association expressly reserve the right to supplement and revise the matters contained in this Prehearing Statement.

**A. Witnesses**

In identifying witnesses, Wade and the Association reserve the right to call rebuttal witnesses or such other witnesses as may be identified in the course of discovery and preparation for final hearing in this matter. At this time, Wade and the Association intend to call the following witnesses:

- Mr. James W. Wade
- Ms. Valerie Guenther
- Mr. Craig Reitz
- Mr. Elliot Kampert, Charlotte County Natural Resources Manager for the Environmental Services Department

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- All witnesses identified in the prehearing statement of Island Environmental Utility, Inc. (“IEU”)
- All witnesses identified in the prehearing statement of other intervenors in this docket
- All witnesses identified in the prehearing statement of Commission staff

## **B. Exhibits**

In identifying exhibits, Wade and the Association reserve the right to use (1) such other exhibits, including rebuttal exhibits, as may be identified in the course of discovery and preparation for final hearing and (2) additional exhibits, not identified herein, in its cross-examination of any witnesses for other parties or Commission staff. At this time, Wade and the Association intend to use the following exhibits at hearing:

- Letter dated November 13, 2003 from Wade to the Commission requesting intervenor status for Wade and the Association
- Letter dated November 25, 2003 from Commission counsel to Wade regarding request for intervenor status
- Letter dated November 20, 2003 from Ms. Valerie Guenther requesting intervenor status for PIE
- Letter dated November 25, 2003 from the Commission to Ms. Valerie Guenther regarding request for intervenor status
- Charlotte County’s Comprehensive Plan
- Map depicting Charlotte County’s Urban Service Area and Infill Areas
- All exhibits identified by IEU in its prehearing statement

- All exhibits identified by Little Gasparilla Island Property Owners Association, Inc. in its prehearing statement
- All exhibits identified by Commission staff in its prehearing statement
- All exhibits identified by other intervenors in their prehearing statements

### **C. Basic Position**

The Commission should deny IEU's application because that company has failed to prove that it is entitled to an original certificate to operate a wastewater utility pursuant to Chapter 367, Florida Statutes.

### **D. Questions of Fact**

**Issue 1: Has IEU proved that there is a need for service in IEU's proposed service territory?**

Position of Wade and the Association: No.

**Issue 2: Has IEU proved that the service it proposes to provide is consistent with Charlotte County's comprehensive plan?**

Position of Wade and the Association: No.

**Issue 3: Has IEU proved that the proposed wastewater utility will not compete with, and will not duplicate, any other system within geographical proximity to the proposed service area?**

Position of Wade and the Association: No.

**Issue 4: Has IEU proved that it has the financial ability to serve the requested territory?**

Position of Wade and the Association: No.

**Issue 5: Has IEU proved that it has the technical ability to serve the requested territory?**

Position of Wade and the Association: No.

**Issue 6: Has IEU proved that it has contracted for sufficient wastewater plant capacity to serve the requested territory?**

Position of Wade and the Association: No.

**Issue 7: Has IEU proved that it is in the public interest for IEU to be granted a wastewater certificate for the territory proposed in its application?**

Position of Wade and the Association: No.

**Issue 8: Has IEU proved that it is entitled to a specific and appropriate return on equity?**

Position of Wade and the Association: No.

**Issue 9: Has IEU proved that it is entitled to specific and appropriate rates and charges for wastewater services?**

Position of Wade and the Association: No.

**Issue 10: Has IEU proved that it is entitled to specific and appropriate service availability charges?**

Position of Wade and the Association: No.

**Issue 11: Has IEU proved that it is entitled to a specific and appropriate allowance for funds used during construction (“AFUDC”) rate?**

Position of Wade and the Association: No.

**Issue 12: Has IEU given proper notice of its application for an original wastewater certificate?**

Position of Wade and the Association: No.

**E. Issues Stipulated to by the Parties**

None at this time.

**F. Pending Motions or Other Matters Intervenors Seek Action Upon**

1. Joint Petition for Leave to Intervene of James W. Wade and The Preserve of Don Pedro Owners Association filed February 16, 2004.

2. Wade’s letter request for intervenor status on behalf of himself and the Association dated November 13, 2003.

3. Ms. Valerie Guenther’s letter request for intervenor status on behalf of PIE dated November 20, 2003.

4. Wade and the Association further reserve the right to file additional motions, if necessary, during the course of discovery and

preparation for final hearing in this matter, which motions may require action prior to final hearing.

**G. Pending Requests or Claims for Confidentiality**

None at this time.

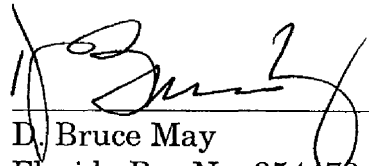
**H. Requirements of Order Establishing Procedure That Cannot be Complied With**

Because IEU just filed a Restated Application for Original Certificate on February 10, 2004, Wade and the Association reserve the right to amend this prehearing statement and seek other relief from the Commission.

**I. Objections to Witness Qualifications as an Expert**

Until discovery is complete it is not possible to determine in advance whether objections will be raised with respect to a witness's qualifications.

Respectfully submitted,



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**Attorneys for James W. Wade and  
The Preserve of Don Pedro  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY and a true and correct copy of the foregoing was hand delivered this 16<sup>th</sup> day of February, 2004 to: Rosanne Gervasi, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 and provided via facsimile\* or overnight delivery to:

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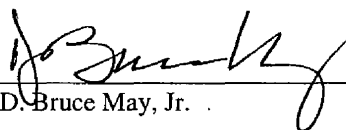
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