

July 28, 2004

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

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COMMISSION  
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Re: In Re: Application for Certificate  
To Provide Water Service in Volusia and  
Brevard County By Farmton Water Resources, LLC.  
Docket No. 021256-WU

Dear Ms. Bayo:

I have enclosed an original and twenty copies of Brevard County's Issues; Positions; Proposed Findings of Fact and Law; Argument to be filed in the above-referenced matter.

Sincerely,

Scott L. Knox  
County Attorney

- CMP \_\_\_\_\_:md
- COM 3 Enclosures
- CTR \_\_\_\_\_ee: Jennifer A. Rodan, Esquire
- ECR \_\_\_\_\_ Edward P. de la Parte, Jr., Esquire
- GCL \_\_\_\_\_ William J. Bosch, III, Assistant County Attorney
- OPC \_\_\_\_\_ F. Marshall Deterding, Esquire
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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In Re:** )  
**Application for Certificate** )  
**To Provide Water Service in** )  
**Volusia and Brevard County** )  
**By Farmton Water Resources, LLC.** )  
\_\_\_\_\_ )

**DOCKET NO. 021256-WU**

**ISSUES; POSITIONS; PROPOSED FINDINGS OF FACT AND LAW; ARGUMENT**

Brevard County, Florida, by and through its undersigned attorney, hereby files its issues, positions, proposed findings of fact and law, and argument as follows:

**I. ISSUES AND POSITIONS**

**ISSUE 1: Does the Commission have exclusive jurisdiction over the certification of private utilities?**

**BREVARD POSITION:**

The Commission has exclusive jurisdiction over each utility with respect to its authority, service, and rates in accordance with section 367.011(2), Florida Statutes. However, under section 153.86, Florida Statutes, the Brevard County Water and Sewer District has jurisdiction over the construction of facilities for the supply and distribution of water.

**ISSUE 2: Is the service proposed by Farmton Water Resources, LLC exempt from Commission jurisdiction?**

**BREVARD POSITION:**

Retail service to the hunting camp sites is not exempt. Future bulk service provided to a government or regulated utility is exempt, however.

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**ISSUE 3: Has Farmton met the filing and noticing requirements pursuant Rules 25-30.030 and 25-30.033, Florida Administrative Code?**

**BREVARD POSITION:**

No position.

**ISSUE 4: Is there a need for service in Farmton's proposed service territory and, if so, when will service be required?**

**BREVARD POSITION:**

Retail service is needed by one campsite in Brevard County but that need does not warrant a 10,000-acre service territory in Brevard County.

**ISSUE 5: Is Farmton's application inconsistent with Brevard County's or Volusia County's comprehensive plans?**

**BREVARD POSITION:**

The application is inconsistent with urban sprawl prohibitions in the potable water and land use elements of Brevard County comprehensive plan.

**ISSUE 6: Will the certification of Farmton result in the creation of a utility which will be in competition with, or duplication of, any other system?**

**BREVARD POSITION:**

Yes, Brevard County has facilities that can provide service to Miami Corporation property and any utility, including the Brevard County utilities department, can provide the limited type of service required by the one campsite in Brevard County.

**ISSUE 7: Does Farmton have the financial ability to serve the requested territory?**

**BREVARD POSITION:**

Farmton Water Resources, LLC is a limited liability company with no directors or officers and it has produced no financial statements or returns. The only evidence on financial ability was a third party's representation that Farmton would receive financial backing.

**ISSUE 8: Does Farmton have the technical ability to serve the requested territory?**

**BREVARD POSITION:**

Farmton has not demonstrated the legal right to construct any facilities for the supply and distribution of water. Therefore, Farmton has no technical ability to provide water service of any type since they have no right to build the facilities required to provide that service.

**ISSUE 9: Does Farmton have sufficient plant capacity to serve the requested territory?**

**BREVARD POSITION:**

Farmton has not demonstrated the legal right to construct any facilities for the supply and distribution of water. Therefore, Farmton has no right to construct the necessary plant capacity to provide service.

**ISSUE 10: Has Farmton provided evidence that it has continued use of the land upon which the utility treatment facilities are or will be located?**

**BREVARD POSITION:**

No position.

**ISSUE 11: Is it in the public interest for Farmton to be granted a water certificate for the territory proposed in its application?**

**BREVARD POSITION:**

Farmton has not received a public interest determination required by both the County Commission and the Water and Sewer District Board nor did Farmton receive consent to build water supply facilities from the District. Therefore, as a matter of law, Farmton's application is not in the public interest.

**ISSUE 12: What is the appropriate return on equity for Farmton?**

**BREVARD POSITION:**

No position.

**ISSUE 13: What are the appropriate potable water, fire protection, and bulk raw water rates and charges for Farmton?**

**BREVARD POSITION:**

No position.

**ISSUE 14: What are the appropriate service availability charges for Farmton?**

**BREVARD POSITION:**

No position.

**ISSUE 15: What is the appropriate Allowance for Funds Used During Construction (AFIJD) rate for Farmton?**

**BREVARD POSITION:**

No position.

**(ABBREVIATIONS:** For the purposes of the proposed findings of fact and law, as well as the argument presented the following abbreviations have the following meanings:

Example: MWS 3:1 refers to the page and line number of prefiled direct testimony

Example: MWS R3:1 refers to page and line number of rebuttal testimony

Example: Ex. MWS-1 refers to Exhibit number

Example: T-1:25 refers to transcript page and line number)

## **II. PROPOSED FINDINGS OF FACT:**

Brevard County proposes that the Public Service Commission make the following specific findings of fact:

- A. Farmton has applied for authority to provide retail water service to one *proposed* campsite in Brevard County, Florida. (T-298:7-25; 299:1-15)

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- B. Farmton proposes to serve the one proposed campsite in Brevard County with a 200-gallon bladder type hydropneumatic tank, and some chlorinators. (T58:22-25; 59:1-8)  
The wells have been installed, the chlorinators and the pressure tanks have not been installed, or the meters. (T-59:1-8)
- C. A well connected to a 200-gallon bladder type hydropneumatic tank and chlorinators would be a self-supporting water supply system for the one proposed campsite. (T-301:9-11)
- D. About twenty acres of surrounding property would be required to provide the distribution system necessary to provide potable water from the well that would be used to provide water service to the one proposed campsite located in Brevard County. (T-64:4-19)
- E. Farmton has proposed a service territory of approximately ten thousand acres in Brevard County, Florida. (T-529:7-14)
- F. There are no interconnected wells on the Farmton property at this time. (T-63:13-15)
- G. Any water utility, including Brevard County or Titusville, could install and provide potable water service to the one campsite in Brevard County using the 200-gallon bladder type hydropneumatic tank and chlorinator system proposed by Farmton. (T-30:24-25; 301:1-11)
- H. Brevard County has enacted ordinance number 03-32 which establishes the Brevard County Water and Sewer District (District) in portions of the unincorporated area of Brevard County that includes Farmton's proposed certificated area. (RHM 3:4-13; Ex. RHM-2)

- I. Under section 4.10 of Ordinance No. 03-32 (the Ordinance), which references section 153.86 Florida Statutes, the District has established a procedure to file an application for and obtain the District's consent to the extension or construction of any water system for which consent has not been given. (Ex. RHM-2, p. 15)
- J. In order to obtain the District's consent to the construction of water supply facilities, Section 4.10 of the Ordinance requires an applicant to demonstrate that the proposed construction of water supply facilities by the applicant is in the public interest and consistent with the Brevard County comprehensive plan. (Ex. RHM-2, p.16)
- K. Farmton has not applied for, nor received the District's consent for the installation of any of the water supply facilities contemplated by Farmton for the proposed service territory located in Brevard County. (RHM 4:13-14)
- L. Brevard County has adopted a comprehensive plan containing a potable water element and land use element. (RHM 2:14-20; Ex. RHM-1; MWS 2:1-25; Ex. MWS-2, 3)
- M. Brevard County has an existing Mims water treatment plant and water supply lines within two miles of the area covered by Farmton's certificated area. (Ex. RHM-4)
- N. Developers of property located more than three miles north of those existing Brevard County water supply facilities have entered into discussions for service from Brevard County. (T-271:19-25)
- O. Brevard County currently has excess capacity at its Mims water treatment facility (RHM 9:18-25; 10:1-4; Ex. RHM-5)

- P. Brevard County has enacted comprehensive plan objectives and policies that discourage or prohibit urban sprawl. (MWS 2:1-3:25; Ex. MWS-1,2,3; )

### **III. PROPOSED CONCLUSIONS OF LAW**

- A. The PSC has exclusive jurisdiction over each utility with respect to its authority, service, and rates in accordance with section 367.011(2), Florida Statutes (2003).
- B. The governing board of the water and sewer district has the authority and jurisdiction to consent to the construction of a water system within the boundaries of the District, including the authority “. . .to approve plans and specifications therefor” accordance with section 153.86, Florida Statutes (2003).
- C. Because Farmton has not obtained the consent of the Brevard Water and Sewer District governing board for the construction of water supply facilities in the proposed certificated area, Farmton has not demonstrated a technical ability to provide water service.
- D. Because Farmton has not applied for the District’s consent for the construction of water supply facilities in the proposed certificated area, the District has not made a determination as to whether the construction of such facilities is in the public interest as required by Ordinance 03-32 and, therefore, Farmton cannot demonstrate that the application for a certificated territory is in the public interest.
- E. Farmton has not demonstrated the need for a certificated area of ten thousand acres in Brevard County because:
1. Farmton has not obtained the consent of the Brevard Water and Sewer District governing board for the construction of water supply facilities in the



proposed certificated area and there has been no determination as to whether such consent would be granted, denied or restricted in scope by the District.

2. The existing water supply system in the proposed certificated area is not interconnected; the only demonstrated “need” for potable water service in the proposed certificated area located in Brevard County is a single *proposed* campsite; and only about twenty acres of land is required to provide a potable water distribution system in order to make the one well that will serve the one proposed campsite in Brevard County self-supporting.

F. Granting a certificate to Farmton would be inconsistent with state law and policies in the Brevard County comprehensive plan that discourage or prohibit urban sprawl.

G. Farmton’s application is not in the public interest.

#### IV. ARGUMENT

A. **FARMTON HAS NOT MET THE BURDEN OF PROVING THAT ITS APPLICATION IS IN THE PUBLIC INTEREST SINCE FARMTON HAS NOT PROVEN COMPLIANCE WITH THE STATUTORY CRITERIA THAT DETERMINE WHEN AN APPLICATION IS IN THE PUBLIC INTEREST. FARMTON HAS ALSO FAILED TO APPLY FOR THE CONSENT AND APPROVAL OF THE BREVARD COUNTY WATER AND SEWER DISTRICT AS TO PLANS FOR THE CONSTRUCTION OF WATER SUPPLY OR DISTRIBUTION FACILITIES WITHIN BREVARD COUNTY. THEREFORE FARMTON CANNOT DEMONSTRATE THAT ITS APPLICATION IS IN THE PUBLIC INTEREST BECAUSE:**

1. **FARMTON CANNOT SHOW THAT A DETERMINATION HAS BEEN MADE BY THE BREVARD COUNTY WATER AND SEWER DISTRICT THAT THE CONSTRUCTION OF PROPOSED WATER SUPPLY OR DISTRIBUTION FACILITIES IN A PROPOSED TEN THOUSAND ACRE CERTIFICATED AREA WOULD BE IN THE PUBLIC INTEREST;**

2. **DUE TO A FAILURE TO OBTAIN DISTRICT APPROVAL TO CONSTRUCT WATER SUPPLY OR DISTRIBUTION IMPROVEMENTS, FARMTON DOES NOT HAVE THE TECHNICAL ABILITY TO PROVIDE SERVICE WITHIN BREVARD COUNTY; AND**

3. **FARMTON CANNOT SHOW THAT THERE IS A NEED JUSTIFYING A REQUEST FOR A TEN THOUSAND ACRE CERTIFICATED SERVICE AREA IN BREVARD COUNTY.**

**B. THE GRANTING OF FARMTON'S REQUEST FOR A CERTIFICATE COVERING TEN THOUSAND ACRES IN BREVARD COUNTY WOULD BE INCONSISTENT WITH STATE LAW AND BREVARD COUNTY COMPREHENSIVE PLAN POLICIES PROHIBITING URBAN SPRAWL. FARMTON'S APPLICATION IS THEREFORE NOT IN THE PUBLIC INTEREST**

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The grant or denial of a certificate area to a utility by the Public Service Commission (PSC) is governed by what is in the public interest. §367.045(5)(a), Fla. Stat. (2003). Although the PSC has exclusive jurisdiction over each utility with respect to its *authority, service, and rates* in accordance with section 367.011(2), Florida Statutes, where a water and sewer district created by county commissions pursuant to section 153.53(1), Florida Statutes exists, the governing body of the water and sewer district has the statutory authority to consent to the *construction* of a water system<sup>1</sup> (as defined in section 153.52, Florida Statutes) within the district, including the authority

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<sup>1</sup> The term “water system” is defined in section 153.52, Florida Statutes, as follows:  
(5) “Water system” shall mean and include any plant, system, facility or property and additions, extensions and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the development of sources, treatment or purification and distribution of water and alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems, for domestic or industrial use and, without limiting the generality of the foregoing, shall include dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system and shall include all real and personal property and any interests therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

“ . . .to approve plans and specifications therefor.” §153.86, Fla. Stat. (2003).<sup>2</sup> Here there is no dispute that Brevard County has enacted Ordinance 03-32 creating such a water and sewer district. Likewise, there is no dispute that Farmton has not applied to the District governing body for consent to construct or extend any of the lines, pipes, valves, mains or other improvements that are useful or necessary for use in connection with or interconnection of a potable water distribution system that would serve to the single campsite proposed in the portion of the ten thousand acres of requested certificated area that is located within Brevard County.

The failure of Farmton to apply for the District board’s approval has a profound bearing on Farmton’s ability to demonstrate compliance with the statutory criteria established for a showing of public interest. Under those statutory criteria in determining whether Farmton’s application for certificated territory is in the public interest the Public Service Commission must consider:

1. the ability or inability of Farmton to provide service,
2. the need or lack of need for service in the area that Farmton seeks to add; and
3. the existence or nonexistence of service from other sources within geographical proximity to the area that the applicant seeks to delete or add. §367.045(2)(b), Fla. Stat. (2003).

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<sup>2</sup> Chapter 153, Part II, Florida Statutes, does not expressly provide for a limitation on the exercise of the district governing boards authority to consent to *construction* of a water system in the context of a PSC application for *authority* to provide *service* within a proposed certificated area. Therefore, Chapter 367 does not impact the District board’s authority to consent to *construction* under that chapter in accordance with section 153.88, Florida Statutes, which provides as follows:

153.88 Construction of law.—

(1) The provisions of this law shall be liberally construed to effect its purposes and shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided herein. The exercise of the powers provided in this law and the issuance of bonds or other obligations hereunder **shall not be subject to the limitations or provisions of any other law or laws except as expressly provided herein.**

Applying those criteria, Farmton has not demonstrated that the grant of a certificate to serve within the ten thousand acre certificated area proposed in Brevard County is in the public interest.

1. **Not in the Public Interest, as a Matter of Law.**

As previously stated, Farmton has not applied for the Brevard County Water and Sewer District board's consent to or approval of plans for the construction of a potable water supply or distribution system in Brevard County. Since the consent application has not been made, the criteria for obtaining consent, as set forth in section 4.10 of the ordinance, have not been reviewed, determined or applied by the District governing board, including the "public interest" criteria specified by subparagraph (e) of section 4.10 in the ordinance which requires the applicant to demonstrate "[t]hat the proposed. . . construction is in the public interest. . .". Since no application to the District has been forthcoming from Farmton, the District governing board has yet to make a public interest determination relating to the *construction* of specific improvements proposed by Farmton in connection with their efforts to provide potable water service to a single *proposed* campsite in Brevard County. Absent such a public interest determination by the District governing board, Farmton cannot, as a matter of law, present evidence that the facilities proposed to be constructed within the portion of the proposed certificated territory in Brevard County are in the public interest. As a consequence, Farmton's application to the PSC for a certificated territory that includes ten thousand acres located in Brevard County must be denied.

2. **No Technical Ability to Serve**

It is undisputed that by failing to apply to the District board for consent and construction plan approval, Farmton has not been granted the legal right to construct water distribution or supply facilities within the proposed ten thousand acre certificated service territory. Farmton's own expert

engineer, Gerald Hartman, admitted that in this scenario Farmton lacks the technical ability to provide service in the proposed certificated territory.

16           Q     Let me assume a hypothetical for you. Assume for a  
17 moment that they do not have the physical ability to place  
18 these facilities on that property for reasons related to the  
19 county commission's requirement that they give their consent.  
20 Under those circumstances, they don't have technical ability to  
21 provide that service, do they?

22           A     Under your hypothetical, stating that the county  
23 somehow would not allow proper disinfection to potable water,  
24 yes.     (T-60:16-24 )

Moreover, by failing to seek District consent for the construction of water supply and distribution facilities, Farmton and the PSC are unable to determine what restrictions or limitations might be imposed on Farmton's ability to construct facilities. Clearly, it would not be unreasonable for the District board to limit construction to the twenty acres that might be required to build a distribution system capable of providing water service to the proposed campsite, which is the only demand for potable water in the proposed ten thousand acres of certificated area lying in Brevard County.

Finally, Farmton's expert engineers testified that there is currently no interconnection of the wells on the fifty plus thousand acres of proposed service territory located in Brevard and Volusia counties. Again, approval of any such interconnection in Brevard County would require the consent to and approval of plans by the District board. Absent such consent and approval, Farmton cannot construct water supply and distribution interconnections in Brevard and therefore, according to

Farmton's own engineer, Farmton cannot establish that they have the "technical ability" to provide service within the proposed ten thousand acre certificated territory.

Common sense suggests that any PSC grant of authority to provide service in a proposed ten thousand acre certificated territory should be withheld until Farmton first receives the legal right to construct the facilities through which service will be provided. Therefore, absent such approval from the District board, the PSC cannot find that Farmton has the technical ability (or any other ability) to provide potable water service in Brevard County and, therefore, the application for a certificate authorizing Farmton to provide that service must be denied.

3. *No Need Established*

The evidence in this case established that the only "need" for potable water service on the entire ten thousand acres of proposed certificated area located within Brevard County is a single, solitary, *proposed* campsite. Farmton's own engineer testified that only twenty acres would be required to connect a potable water distribution system to the well that will serve the *proposed* campsite. Yet, Farmton has requested ten thousand acres of certificated territory in Brevard County. Clearly such a request is "excessive", as testified to by the Brevard County utilities director Dick Martens, and should be denied for failure to demonstrate a need supporting a request for a ten thousand acre service territory.

**B. THE GRANTING OF FARMTON'S REQUEST FOR A CERTIFICATE COVERING TEN THOUSAND ACRES IN BREVARD COUNTY WOULD BE INCONSISTENT WITH STATE LAW AND BREVARD COUNTY COMPREHENSIVE PLAN POLICIES PROHIBITING URBAN SPRAWL. FARMTON'S APPLICATION IS THEREFORE NOT IN THE PUBLIC INTEREST.**

The request for a ten thousand acre certificated service area in Brevard County where only twenty acres is required to meet the "need", does raise the question "Why"? The ten thousand acres

located in Brevard County is currently designated on the County land use plan as agricultural. Yet, Farmton's engineer testified that Farmton is currently considering an interconnection of its entire potable water supply system covering over fifty thousand acres located in Volusia and Brevard counties . Since a twenty-acre distribution system constructed in Brevard County would create a self-supporting potable water well and supply system sufficient to serve the sole campsite proposed for Brevard County, the only reasonable inference that can be drawn from a request for a service territory that includes ten thousand acres in Brevard County where twenty acres would have been sufficient, is that the interconnection of a potable water system encompassing the fifty thousand acres of service area anticipated by Farmton and the underlying owner, Miami Corporation, is to create infrastructure which would constitute the single most important building block for future development — development that would be inconsistent with the county comprehensive plan as constituting urban sprawl in the ten thousand acres of agricultural property located in Brevard County. This is precisely the conclusion drawn by Department of Community Affairs expert planner, Valerie James (VJ 2:25; 3:1-25) and Brevard County planning director, Mel Scott. (MWS 4:2-5:20)

The issue of urban sprawl is significant because urban sprawl is prohibited by state planning statutes and legislatively adopted administrative rules promulgated in chapter 9J-5 FAC that have been officially recognized by the PSC in this proceeding (Order Granting Request for Official Recognition dated 5/24/04).<sup>3</sup> Those laws and rules have been implemented in the Brevard County

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<sup>3</sup> Those laws and rules are as follows:

1. Section 163.3177(10) and (11) Florida Statutes (2003);
2. Section 163.3184(1)(b) Florida Statutes (2003);
3. Section 163.2511 Florida Statutes (2003);
4. Rule 9J-5.003(134) Florida Administrative Code (attached as Exhibit 1 hereto);

comprehensive plan policies designed to curb urban sprawl as cited in Mr. Scott's testimony. That the granting of a certificate for a ten thousand acre service territory would be inconsistent with the urban sprawl prohibitions established by state law and Brevard's comprehensive plan is evident from the testimony of Farnton's own expert planner, Howard Landers, who opined that the existing open space ordinances and zoning applicable to Miami Corporation's property in Brevard allows residential development ". . .that would be appropriately supported by, if not actually require, a central potable water system." (HML R12:24-25; R13:1-7). When asked to assume that residential subdivisions could be built within the ten thousand acres of Miami Corporation property — development requiring a central water system — under the regulations Mr. Landers had identified, Mr. Scott acknowledged that the need to serve such residential development with efficient urban services such as schools and emergency medical services could lead to urban sprawl. (T-361:16-21) In an exchange that followed that line of questioning, Mr. Scott's testimony establishes the reason why granting a PSC certificate to Farnton would be inconsistent with state law and Brevard County comprehensive planning policies pertaining to urban sprawl as applied to the Miami Corporation property:

16 Q All right. Well, if you assume that there were  
17 multiple subdivision out there, aren't there other services  
18 like schools and EMS that have to be provided?

19 A That's true, yes.

20 Q Doesn't that go into the calculation of what urban  
21 sprawl is?

22 A If they are not delivered, if we are not able to

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5. 9J-5 .006 Florida Administrative Code (attached as Exhibit 2 hereto);

6. 9J-5.011 Florida Administrative Code (attached as Exhibit 3 hereto).



23 deliver them efficiently then it could be urban sprawl, yes.

24 Q Okay. So, if a subdivision were developed in this

25 area and water was the only thing standing in the way of

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1 building that subdivision or not building that subdivision, the

2 Public Service Commission certificate might have some impact on

3 whether that subdivision could be built, wouldn't it?

4 A In that scenario, yes.

In short, from the testimony of Mr. Landers and Mr. Scott it is clear that the grant of a PSC certificate would provide Farmton with the authority necessary to provide potable water service to ten thousand acres of agricultural land that, under the existing Brevard zoning regulations and open space ordinance, can be developed thereby generating a demand for other urban services such as schools, EMS, fire protection and police protection in what is now an exclusively rural area located several miles from existing rural residential development.

Put another way, the grant of a PSC certificate to Farmton opens the door wide open to urban sprawl in violation of state law and Brevard County's comprehensive plan. Therefore the PSC cannot make a determination that the granting of a certificate to Farmton covering ten thousand acres in Brevard County is in the public interest since the grant of that certificate breaks down the final barrier to urban sprawl.<sup>4</sup> So in this case, inconsistency with the anti-urban sprawl of the Brevard

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<sup>4</sup> Notably Mr. Scott acknowledged that the construction of roads is not an obstacle to development in this area since developers put in roads all the time. (T-360:1-6)

comprehensive plan precludes a finding that the Farmton application is in the public interest. The application should, therefore, be denied.

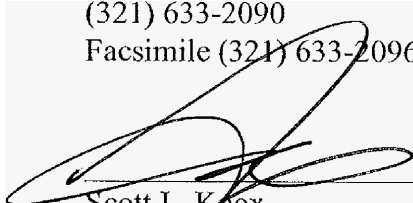
**CONCLUSION**

Based upon the foregoing, Farmton's application for a certificated territory should be denied.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was mailed by U.S. Mail to F. Marshall Deterding, Esquire, 2548 Blirstone Pines Drive, Tallahassee, Florida, 32301, Edward P. de la Parte, Jr., Esquire, 101 E. Kennedy Blvd., Suite 3400, Tampa, Florida, 33602-5195, Jennifer A. Rodan, Esquire, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850, and William J. Bosch, III, Assistant County Attorney, 123 W. Indiana Avenue, DeLand, Florida, 32720-4613, on this the 28th day of July, 2004.

OFFICE OF THE COUNTY ATTORNEY  
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