

Matilda Sanders

From: Tawana.Basso@swfwmd.state.fl.us
Sent: Wednesday, April 13, 2005 1:02 PM
To: Filings@psc.state.fl.us
Cc: Margaret.Lytle@swfwmd.state.fl.us
Subject: Docket No. 050018-WU, SWFWMD's Petition to Intervene

Attachments: Aloha.Pet.Int.2-E-filing.pdf



Aloha.Pet.Int
-E-filing.pdf (

Attached below for filing is the Southwest Florida Water Management District's Petition to Intervene, Docket No. 050018-WU. I look forward to receiving your e-mail confirming receipt. Thank you.

(See attached file: Aloha.Pet.Int.2-E-filing.pdf)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of deletion proceedings against Aloha Utilities Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of section 367.111(2), Florida Statutes.

DOCKET NO. 050018-WU

FILED:

PETITION TO INTERVENE

The SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (the District), by and through its undersigned counsel, pursuant to Sections 25-22.039 and 28-106.201, Florida Administrative Code (F.A.C.), hereby petitions to intervene in the above-referenced docket. The District submits:

1. The docket number is 050018-WU and the name of the agency is the Florida Public Service Commission (the Commission).
2. The District's address is 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352) 796-7211. The District's representatives are its undersigned counsel.
3. The District is a regulatory agency created by the State of Florida to preserve and protect the water resources of the District.
4. The District's substantial interests will be affected by the above-referenced docket. As the administrative agency charged with the responsibility to conserve, protect, manage and control water resources within its geographic boundaries and to

administer and enforce Chapter 373, Florida Statutes (F.S.), and the rules promulgated thereunder as Chapter 40D, F.A.C., the District regulates consumptive uses of water.

5. Aloha Utilities, Inc. (Aloha), was issued Water Use Permit (WUP) No. 203182.004 (the Permit) by the District for the public water supply system which is the subject of this docket.

6. Aloha is currently in violation of that Permit, and Aloha and the District are involved in litigation concerning the violation. ~~SWFWMD v. Aloha Utilities, Inc., Case~~ No. 51-2002-CA-2549-WS, Section G, Circuit Court, 6th Judicial Circuit, Pasco County, Florida.

7. The Commission's actions in this docket may affect the Permit and the District's litigation with Aloha. The size of Aloha's authorized service area is one of the factors that determines the withdrawal quantities authorized by the Permit or any subsequent renewal of the Permit. Any change to Aloha's service area may require a modification of the Permit.

8. The District received a copy of the Legal Notice in this docket from the Commission on January 11, 2005.

9. At this time, the District is not aware of any specific disputed issues of material fact. However, the District believes that its intervention in this docket to present information concerning Aloha's water use and the Permit would be relevant to this matter and helpful to the Commission.

WHEREFORE, the District respectfully requests that the Commission grant the District leave to intervene in this matter and consider the information to be provided by

the District in determining its action concerning this docket.

Respectfully submitted,

William S. Bilenky
General Counsel
Fla. Bar No. 154709

s/ Margaret M. Lytle
Margaret M. Lytle
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Attorney for Intervenor

CERTIFICATE OF SERVICE

I certify that this Petition was electronically filed via (filings@psc.state.fl.us) and a true copy of the foregoing was sent by U.S. Mail on this 13th day of April, 2005, to:

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s/ Margaret M. Lytle
Margaret M. Lytle