

Matilda Sanders

From: Michele [michele@rsbattorneys.com]
Sent: Friday, March 16, 2007 11:48 AM
To: Filings@psc.state.fl.us
Subject: E-Filing - Docket No.: 060256-SU/Alafaya Utilities, Inc.
Attachments: CROSS-PETITION.pdf

ORIGINAL

- a. Martin S. Friedman, Esquire
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- b. Docket No.: 060256-SU; Application of Alafaya Utilities, Inc., for an increase in wastewater rates in Seminole, Florida
- c. Alafaya Utilities, Inc.
- d. Cross-Petition of Alafaya Utilities, Inc. – 4 pages
- e. Cross Petition of Alafaya Utilities, Inc., objecting to Order No. PSC-07-0130-SC-SU

cc: Jennifer Brubaker, Esquire
Stephen C. Reilly, Deputy Public Counsel
Steven M. Lubertozi, Chief Regulatory Office
Ms. Kirsten Weeks
John Hoy, Regional Vice President for Operations
Patrick C. Flynn, Regional Director

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In re: Application of
ALAFAYA UTILITIES, INC.
for an increase in wastewater
rates in Seminole County, Florida

DOCKET NO. 060256-SU

CROSS-PETITION OF ALAFAYA UTILITIES, INC.

ALAFAYA UTILITIES, INC. (the *Utility*), by and through its undersigned attorneys and pursuant to Section 120.57, Florida Statutes, and Rule 25-22.029(3), Florida Administrative Code, files this Cross-Petition, objecting to Order No. PSC-07-0130-SC-SU (*Order*) of the Florida Public Service Commission (*Commission*) issued February 15, 2007, and states:

Preliminary Matters

1. The name and address of the agency affected and the agency's docket number is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Docket No. 060256-WS

2. The name of the Utility and its mailing address is:

Alafaya Utilities, Inc.
2335 Sanders Road
Northbrook, IL 60062

3. The address of the Florida office is:

200 Weathersfield Avenue
Altamonte Springs, FL 32714-4099

4. The names and address of the persons authorized to receive notices and communications in respect to this application are:

Martin S. Friedman, Esquire
Valerie L. Lord, Esquire
Rose, Sundstrom & Bentley, LLP
Sanlando Center
2180 W. State Road 434, Suite 2118
Longwood, FL 32799

DOCUMENT NUMBER-DATE

02406 MAR 16 5

FPSC-COMMISSION CLERK

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5. On March 8, 2007, the Citizens of the State of Florida, by and through the Office of Public Counsel (OPC), filed a Petition on Proposed Agency Action objecting to the Order (*Petition*).

6. The Utility received a copy of the Petition on March 8, 2007.

7. The interests of the Utility is substantially affected by the Order. The specific facts that the Utility contends warrant reversal or modification of the Order are as follows:

- (a) Pro forma plant is understated in that it failed to include all amounts for the digester improvement project:
- (b) Rate case expense is understated.
- (c) Salaries are understated.
- (d) Pro forma increase in real estate taxes should be included.

8. Each of the foregoing matters involve disputed issues of material fact.

9. The Order establishes March 5, 2007 as the date by which cross-petitions must be filed.

10. Chapter 367.081, Florida Statutes, is the specific statute that the Utility contends requires reversal or modification of the Order.

11. This Cross-Petition is filed for the purpose of seeking the Commission's action with respect to:

- (a) Determining that the proper rate base includes the pro forma plant referenced above; and
- (b) Determining that the proper rate case expense amount includes amounts requested by the Utility and set out in its rate case expense schedule submitted to Staff on November 27, 2006, plus the rate case expense

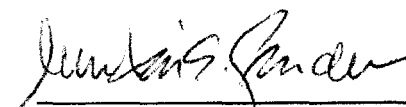
associated with the formal administrative hearing.

- (c) Determining that the proper salary expense includes the amounts that the Utility has requested in the Minimum Filing Requirements.
- (d) Determining the appropriate increase in real estate taxes.

WHEREFORE, the Utility hereby protests and objects to Order No. PSC-07-013-SC-SU as to the specific issues raised in this Cross-Petition, and petitions the Commission to conduct a formal evidentiary hearing, under the provisions of Section 120.57(1), Florida Statutes, and further petitions that such hearing be scheduled at a convenient time within or as close as practical to the Utility's certificated service area.

Respectfully submitted this 16th day of March, 2007, by:

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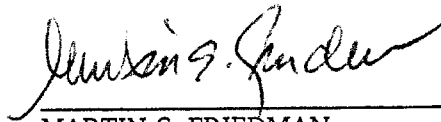
MARTIN S. FRIEDMAN
VALERIE L. LORD
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Cross-Petition of Alafaya Utilities, Inc., has been served upon the following parties by U.S. Mail this 16th day of March, 2007:

Stephen C. Reilly, Deputy Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Jennifer Brubaker, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



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