

Matilda Sanders

From: DAVIS.PHYLLIS [DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Tuesday, April 24, 2007 3:51 PM
To: Filings@psc.state.fl.us
Cc: REILLY.STEVE; Katherine Fleming; mfriedman@rsbattorneys.com; vlord@rsbattorneys.com
Subject: 060260-WS Filing
Attachments: 060260 Petition on Proposed..Lake Placid.doc

ORIGINAL

On behalf of Stephen C. Reilly, Office of Public Counsel
 111 W. Madison Street, Room 812
 Tallahassee, FL 32399-1400
 Email: reilly.stephen@leg.state.fl.us
 Phone: (850) 488-9330
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1. This filing is to be made in Docket Number: 060260-WS, In Re: Application for increase in water and wastewater rates in Highlands County by Lake Placid Utilities, Inc.
2. Attached for filing on behalf of Office of Public Counsel is Office of Public Counsel's Petition on Proposed Agency Action
3. There are a total of four (4) pages for filing

Phyllis W. Philip-Guide
 Assistant to Stephen Reilly

CMP _____
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ECR _____
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OPC _____
RCA _____
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SGA _____
SEC _____
OTH K.P.

DOCUMENT NUMBER-DATE

03490 APR 24 5

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for increase in
water and wastewater rates in
Highlands County by Lake Placid
Utilities, Inc.

DOCKET NO. 060260-WS

Filed: April 24, 2007

PETITION ON PROPOSED AGENCY ACTION

The Citizens of the State of Florida (“Citizens”) by and through their undersigned attorney, pursuant to Section 120.57, Florida Statutes, and Rules 25-22.029 and 28-106.201, Florida Administrative Code, file this objection to the Florida Public Service Commission’s (“Commission”) Order No. PSC-07-0287-PAA-WS (“Order”), issued April 3, 2007, and state:

1. The name and address of the agency affected and the agency’s file number:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Docket No. 060260-WS

2. The Citizens include customers of Lake Placid Utilities, Inc. (“Lake Placid”, “Utility”, or “Company”) whose substantial interests will be affected by the Order because the Order authorizes the Utility to increase the rates and charges it imposes upon its customers.

3. Pursuant to Section 350.0611, Florida Statutes, the Citizens’ who file this petition are represented by the Office of Public Counsel (“Citizens”, “Petitioner” or “OPC”) with the following address and telephone number: Office of Public Counsel, c/o The Florida

DOCUMENT NUMBER-DATE

03490 APR 24 5

FPSC-COMMISSION CLERK

Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, telephone No. (850) 488-9330.

4. The Citizens received a copy of the Order by inter-office courier on April 5, 2007.

5. At this time the ultimate facts alleged, including the specific facts which the Petitioner contends warrants reversal or modification of the agency's proposed action are as follows:

Rate Base

a. Water Treatment Plant used and useful percentage is overstated.

6. The foregoing matter involves disputed issues of material fact.

7. Order No. PSC-07-0287-PAA-WS establishes April 24, 2007 as the date by which protests must be filed.

8. Chapter 367.081, Florida Statutes, is a specific statute the Petitioner contends requires reversal of the agency's proposed action.

9. The Petitioner seeks the Commission to take the following actions with respect to the agency's proposed action:

a. Determine the proper water revenue requirement and resulting rates after making an adjustment to the Water Treatment Plant used and useful percentage.

WHEREFORE, the Citizens hereby protest and object to Commission Order No. PSC-07-0287-PAA-WS as provided above, 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,

s/Stephen C. Reilly
Stephen C. Reilly
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 060260-WS

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Petition on Proposed Agency Action has been furnished by U.S. Mail and electronic mail to the following parties this 24th day of April, 2007.

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

Martin S. Friedman, Esquire
Valerie L. Lord, Esquire
Rose Sundstrom & Bentley, LLP
2180 W. State Road 434, Suite 2118
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s/Stephen C. Reilly
Stephen C. Reilly
Associate Public Counsel