

ORIGINAL

Matilda Sanders

From: Martin Friedman [mfriedman@rsbattorneys.com]
Sent: Friday, June 01, 2007 3:33 PM
To: Filings@psc.state.fl.us
Cc: Trina Collins; mfriedman@rsbattorneys.com
Subject: Filing in Docket No.: 030106-SU; Application for Staff Assisted Rate Case by Environmental Protection Systems of Pine Island, Inc.

Attachments: EPS Petition on Proposed Agency Action.pdf

- a. **Martin S. Friedman**
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- b. **Docket No.: 030106-SU; Application for Staff Assisted Rate Case by Environmental Protection Systems of Pine Island, Inc. - Petition on Proposed Agency Action.**
- c. **Environmental Protection Systems of Pine Island, Inc.**
- d. **4 pages**
- e. **Letter - 1 page**
Pleading - 3 pages

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MARTIN S. FRIEDMAN, P.A.
VALERIE L. LORD
BRIAN J. STREET

June 1, 2007

VIA ELECTRONIC TRANSMISSION

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket No. 030106-SU; Application for Staff-Assisted Rate Case by Environmental
Protection Systems of Pine Island, Inc.
Our File No.: 31099.03

Dear Ms. Cole:

Enclosed please find for filing in the above-referenced docket an original Petition on
Proposed Agency Action.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF/tlc
Enclosures

cc: Ms. Jennifer Brubaker, Office of General Counsel (w/enclosures -via U.S. Mail)
Mr. Kevin J. Cherry (w/enclosures - via U.S. Mail)

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DOCUMENT NUMBER-DATE
04493 JUN-15
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ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff assisted
rate case in Lee County, Florida by
ENVIRONMENTAL PROTECTION
SYSTEMS OF PINE ISLAND, INC.

DOCKET NO. 030106-SU

PETITION ON PROPOSED AGENCY ACTION

ENVIRONMENTAL PROTECTION SYSTEMS OF PINE ISLAND, INC. (the *Utility*), by and through its undersigned attorneys and pursuant to Section 120.57, Florida Statutes, and Rules 25-22.029(3) and 28-106.201, Florida Administrative Code, files this Petition, objecting to Order No. PSC-07-0426-PAA-SU (*Order*) of the Florida Public Service Commission (*Commission*) issued May 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. 030106-SU

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

Environmental Protection Systems of Pine Island, Inc.
3039 York Road
St. James City, FL 33956

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

Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
2180 W. State Road 434, Suite 2118
Longwood, FL 32799
Telephone: (407) 830-6331
Facsimile: (407) 830-8522
Email: mfriedman@rsbattorneys.com

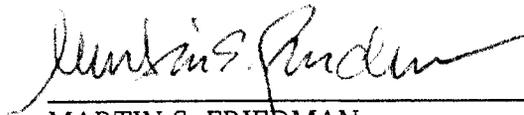
4. The Utility received a copy of the Order on May 15, 2007.
5. The interests of the Utility is substantially affected by the Order in that a refund and rate reduction were ordered. The specific facts that the Utility contends warrant reversal or modification of the Order are as follows:
 - (a) The refund amounts are overstated as follows:
 - (1) For the Test Year ending 12/31/06, wastewater rate base is understated.
 - (2) For all years, the salary expense reduction purportedly to be consistent with adjustments from the last rate case was erroneous.
 - (b) Addressing the refund on a period by period basis is erroneous.
6. Each of the foregoing matters involve disputed issues of material fact.
7. The Order establishes June 5, 2007 as the date by which petitions must be filed.
8. Chapter 367.081, Florida Statutes, is the specific statute that the Utility contends requires reversal or modification of the Order.
9. This Petition is filed for the purpose of seeking the Commission's action with respect to:
 - (a) Determining the appropriate test year wastewater rate base for the year ended 12/31/06.
 - (b) Determining the appropriate salary expense.
 - (c) Determining the amount of refund based on the total expenditures on capital improvements as of the date of Commission action, instead of on a period by period basis.

WHEREFORE, the Utility hereby protests and objects to Order No. PSC-07-0426-PAA-

SU as to the specific issues raised in this 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 1st day of June, 2007, by:

ROSE, SUNDSTROM & BENTLEY, LLP
Sanlando Center
2180 W. State Road 434, Suite 2118
Longwood, FL 32799
Telephone: (407) 830-6331
Facsimile: (407) 830-8522



MARTIN S. FRIEDMAN
Florida Bar Number: 0199060
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition of Environmental Protection Systems of Pine Island, Inc. has been served upon the following parties by U.S. Mail this 1st day of June, 2007.

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



MARTIN S. FRIEDMAN