

Dorothy Menasco

From: Michele Parks [michele@RSBattorneys.com]
Sent: Tuesday, June 12, 2007 3:17 PM
To: Filings@psc.state.fl.us
Cc: Martha Brown; DamonChase@ChaseFreeman.com; smlubertozzi@uiwater.com; jphoy@uiwater.com; Patrick Flynn
Subject: Docket No. 070312-WS
Attachments: Wedgefields Answer.pdf

ORIGINAL

- a. Martin S. Friedman, Esquire
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- b. Docket No.: 070312-WS/Petition for Writ of Mandamus by Baypointe Builders, LLC
- c. Wedgefield Utilities, Inc.
- d. 4 Pages
- e. Wedgefield Utilities, Inc., Answer to Verified Petition for Writ of Mandamus Order the Provision of Water/Sewer Service

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6/12/2007

DOCUMENT NUMBER-DATE
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

IN RE: Petition for Writ of Mandamus
ordering Utilities, Inc. of Florida and
Wedgfield Utilities, Inc., to provide
water and wastewater service to
Baypointe Builders, LLC, in Orange
County, Florida

Docket No.: 070312-WS

WEDGEFIELD UTILITIES, INC.'S ANSWER TO VERIFIED PETITION
FOR WRIT OF MANDAMUS ORDERING THE PROVISION OF
WATER/SEWER SERVICE

Respondent, WEDGEFIELD UTILITIES, INC. ("Wedgfield"), by and through its undersigned attorneys, hereby responds to Petitioner's Verified Petition for Writ of Mandamus Ordering the Provision of Water/Sewer Service as follows:

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Admit as to Wedgfield only.
6. Admit as to Wedgfield only.
7. Wedgfield is without knowledge of the status of Petitioner's project.
8. Admit as to Wedgfield only.
9. Admit as to Wedgfield only, and subject to certain limitations and exceptions.
10. Admit, but deny its applicability to Wedgfield in the instant Docket.
11. Wedgfield is without knowledge of Petitioner's legal status.

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12. Wedgefield is without knowledge of Petitioner's land ownership.

13. Admit as to Wedgefield only.

14. Wedgefield is without knowledge of whether sewer and water service were shown on the plat.

15. Deny.

16. Admit as to Wedgefield only.

17. Deny at times relevant to this Docket.

18. Deny.

19. Wedgefield is without knowledge of Petitioner's permitting.

20. Wedgefield is without knowledge of the issuance of permits by Orange County to Petitioner.

21. Admit as to Wedgefield only.

22. Deny.

23. Admit as to Wedgefield only.

24. Admit as to Wedgefield, but check was returned for a number of reasons.

25. Wedgefield is without knowledge of Petitioner's sales activities.

26. Admit as to Wedgefield only.

27. Admit as to Wedgefield only.

28. Deny.

29. Deny.

30. Admit that Wedgefield refuses to provide Petitioner with water service.


Affirmative Defenses

1. Wedgefield provided Petitioner with a Service Agreement in April, 2005, and Petitioner failed and refused to execute the Service Agreement and pay the required charges within a reasonable period of time. Had Petitioner done so, water service would be available to Petitioner. Petitioner's dilemma is of its own making.

2. Wedgefield is prohibited by the Florida Department of Environmental Protection from committing to provide water service to Petitioner unless and until its water treatment plant is re-rated.

Respectfully submitted on this 12 day of June, 2007, by:

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BY: 
MARTIN S. FRIEDMAN
For the Firm

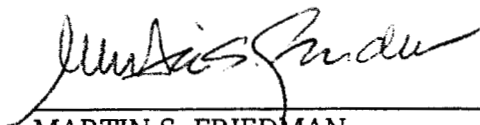
CERTIFICATE OF SERVICE

DOCKET NO.: 070312-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail this 21st day of June, 2007, to:

Damon A. Chase, Esquire
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Suite 250
Lake Mary, FL 32746

Martha Brown, Esquire
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