

Kimberley Pena

060257

**From:** BECK.CHARLES [BECK.CHARLES@leg.state.fl.us]  
**Sent:** Thursday, April 05, 2007 8:37 AM  
**To:** Records Clerk  
**Subject:** FW: Substitution of Counsel

**PARTIES**

I would like to request that you substitute Charles J. Beck, Interim Public Counsel, for Harold McLean in any docket where Harold's name appears. Harold retired from the state on March 8.

Thanks. Please call me at 487-8240 if you have any questions.

Charlie Beck

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**From:** Kimberley Pena [mailto:KPen@PSC.STATE.FL.US]  
**Sent:** Wednesday, April 04, 2007 11:23 AM  
**To:** BECK.CHARLES  
**Subject:** RE: Substitution of Counsel

Mr. Beck, below is the list of active dockets in which OPC is a Party of Record or Interested person. I have included the names in the attention line for your convenience. If you would like to make changes to the attention line, please forward your request(s) to [Clerk@psc.state.fl.us](mailto:Clerk@psc.state.fl.us) or you may fax it to 413-7118. Please let me know if I can be of any further help.

010492	Stephen C. Burgess
010503	Stephen Burgess/Charles Beck
041272	✓Harold McLean/Patricia Christensen
041441	✓Harold McLean/Rick Mann
050374	✓H. McLean/C. Beck/P. Christensen
050958	✓Harold McLean/Patricia Christensen
060038	✓McLean/Beck/McGlothlin/Christensen
060122	✓Harold McLean/Stephen C. Reilly
060162	✓Harold McLean
060198	✓Harold McLean
060253	✓Harold McLean/Stephen Reilly
060256	✓Harold McLean/Stephen C. Reilly
060257	✓Harold McLean/Stephen C. Reilly
060258	✓Harold McLean/Stephen C. Reilly
060260	✓Harold McLean/Stephen Reilly
060261	✓Harold McLean/Stephen Reilly
060262	✓Harold McLean/Stephen Reilly
060285	✓Harold McLean/Stephen Reilly
060300	✓Harold McLean/Charles J. Beck
060368	Stephen C. Reilly
060598	✓Harold McLean
060606	✓Harold McLean
060638	✓Harold McLean
060644	✓Harold McLean/Charles J. Beck
060650	✓Harold McLean/Patricia Christensen
060658	P. Christensen/C. Beck/J. McGlothlin
060677	✓Harold McLean
060700	✓Harold McLean

*Done  
04/06/07  
KMP*

1/5/2007

060774 ✓Harold McLean  
 060811 ✓Harold McLean/Patricia Christensen  
 070001 C.Beck/P. Christensen/J.McGlothlin  
 070002 C.Beck/P. Christensen/J.McGlothlin  
 070003 ✓Harold McLean/Patricia Christensen  
 070007 C.Beck/P. Christensen/J.McGlothlin  
 070052 ✓H.McLean/P. Christensen/J.McGlothlin  
 070098 Charles Beck  
 070183 Stephen C. Reilly

Kim Peña  
 Chief Deputy Commission Clerk

Office of the Commission Clerk  
 Florida Public Service Commission  
 2540 Shumard Oak Blvd.  
 Tallahassee, FL 32399-0850  
 (850) 413-6770

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**From:** BECK.CHARLES [mailto:BECK.CHARLES@leg.state.fl.us]  
**Sent:** Wednesday, April 04, 2007 10:25 AM  
**To:** Kimberley Pena  
**Subject:** Substitution of Counsel

Kim, would you please send me a list of all pending dockets in which the Office of Public Counsel has intervened?

Thanks.

Charlie Beck

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 Charles J. Beck  
 Interim Public Counsel

Office of Public Counsel  
 11 West Madison Street, #812  
 Tallahassee, FL 32399-1400

tel: 850-487-8240  
 fax: 850-488-4491  
 mail: beck.charles@leg.state.fl.us

Dorothy Menasco

060257-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Tuesday, March 13, 2007 3:32 PM  
**To:** 'Marilyn Ash'  
**Cc:** Ann Cole; Kimberley Pena  
**Subject:** RE: Request for Removal from Dockets-Notices - Mpower

# PARTIES

Ms. Ash,

Because the document you submitted didn't include a signature, it will need to be revised and resubmitted in order to be accepted for filing.

Please see e-filing requirements on our website (<http://www.psc.state.fl.us/dockets/e-filings/>), in particular:

- Documents shall be signed by typing "s/" followed by the signatory:

s/ First M. Last

Please feel free to call if you have any questions.

*Dorothy Menasco*  
FPSC  
CCA - Records  
850-413-6330  
[dmenasco@psc.state.fl.us](mailto:dmenasco@psc.state.fl.us)

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**From:** Marilyn Ash [mailto:[ashm@telepacific.com](mailto:ashm@telepacific.com)]  
**Sent:** Monday, March 12, 2007 5:20 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Request for Removal from Dockets-Notices - Mpower

Attached please find a letter requesting Mpower Communications Corp.'s removal from any dockets and notices. Thank you.

Marilyn H. Ash, Esq.  
U.S. TelePacific Corp./Mpower Communications Corp.  
d/b/a TelePacific Communications  
6101 Christie Ave.  
Emeryville, CA 94608  
Ph: 510-995-5600  
Fax: 510-995-5601  
E-mail: [ashm@telepacific.com](mailto:ashm@telepacific.com)

**Timolyn Henry**

**From:** MAHARAJ-LUCAS.ASHA [MAHARAJLUCAS.ASHA@leg.state.fl.us]  
**Sent:** Thursday, April 05, 2007 4:23 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** REILLY.STEVE  
**Subject:** 060257-WS  
**Attachments:** 060257 Cross petition.doc

Electronic Filing

a. Person responsible for this electronic filing:

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  
(850) 488-9330  
Reilly.steve@leg.state.fl.us

b. Docket No. 060257-WS

In re: Application for increase in water and wastewater rates in Polk County by Cypress Lakes Utilities, Inc.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 6 pages.

e. The document attached for electronic filing is a Cross-Petition of the Citizens.

(See attached file: 060257 cross petition.doc)

Thank you for your attention and cooperation to this request.

Asha Maharaj-Lucas  
Secretary to Steve Reilly, Associate Public Counsel.  
Office of Public Counsel  
Telephone: (850) 488-9330  
Fax: (850) 488-4491

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH ena

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for increase in water )  
and wastewater rates in Polk County by ) DOCKET NO. 060257-WS  
Cypress Lakes Utilities, Inc. )  
\_\_\_\_\_ ) FILED: April 5, 2007

**CROSS-PETITION OF THE CITIZENS**

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 Cross-Petition to the Florida Public Service Commission’s (“Commission”) Order No. PSC-07-0199-PAA-WS (“Order”), issued March 5, 2007, and state:

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

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Docket No. 060257-WS

2. The name and addresses of the Applicant who initiated this docket:

Cypress Lakes Utilities, Inc.	c/o Utilities, Inc.
2335 Sanders Rd	200 Weathersfield Court
Northbrook, IL 60062	Altamonte Springs, FL 32714

3. The name and address of Petitioner:

Cypress Lakes Associates, Ltd.  
11300 4<sup>th</sup> Street North, Suite 200  
St. Petersburg, FL 33716

4. The name and address of Cross-Petitioner is:

The Office of Public Counsel  
Attention: Stephen C. Reilly  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400  
Telephone No. (850) 488-9330

5. Pursuant to Chapter 350.0611, Florida Statutes, the Citizens who filed this Cross-Petition are represented by the Office of Public Counsel (“Citizens”, “Cross-Petitioner” or “OPC”). The Citizens are customers of Cypress Lakes Utilities, Inc. (“Cypress Lakes”, “Utility” or “Company”) whose substantial interests will be affected by the Order because the Order establishes rates and charges, including service availability fees, to be paid by present and future customers of Cypress Lakes.
6. The Citizens received a copy of the Order by inter-office courier on March 8, 2007.
7. At this time the facts alleged, including the specific facts which the Cross-Petitioner contends warrants reversal or modification of the agency’s proposed action are as follows:

RATE BASE

- a. To the extent land and water and wastewater facilities have been contributed to or contracted to be contributed to Cypress Lakes and have not been properly accounted for as contributions-in-and-of-construction (CIAC) and deducted from rate base, such accounting and deductions should be made.

b. To the extent cash payments of CIAC have been made or have been contracted to be made to Cypress Lakes and such cash payments of CIAC have not been properly accounted for and deducted from rate base, such accounting and deductions should be made.

RATES AND CHARGES

c. To the extent land and water and wastewater facilities and cash payments of CIAC have been made or contracted to be made to Cypress Lakes and such land, facilities and cash payments have not been properly accounted for and deducted from rate base, such accounting and deductions should be made and the revenue requirements and the resulting rates for water and wastewater service approved by the Order should be correspondingly reduced.

d. After applying Commission Rules 25-30.565, 30.570, 30.580 and 30.585, F.A.C., to the particular facts of this docket, if the Commission determines that the appropriate service availability fees should be greater than the \$1,500 for water and \$1,500 for wastewater as provided in the Order, such higher service availability fees should be approved and ordered by the Commission.

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

9. Order No. PSC-07-0199-PAA-WS establishes March 26, 2007 as the date by which protests must be filed. Cypress Lakes Associates, Ltd. filed a timely protest to the Order. Commission Rule 25-22.029, F.A.C., provides that within 10 days of service of the initial petition, any other person substantially affected by the proposed agency action may file a Cross-Petition identifying additional particular issues on which a hearing is requested.
10. Chapters 367.081 and 367.101, Florida Statutes, are the specific statutes that the Cross-Petitioner contends requires reversal of the agency's proposed action.
11. The Cross-Petitioner requests the Commission to take the following actions with respect to the agency's proposed action:
  - a. Determine all land, water and wastewater facilities and cash CIAC payments that have been made or contracted to be made to Cypress Lakes, and make the appropriate reductions to rate base as a result of these contributions and payments.
  - b. After making the above appropriate reductions to rate base, the Commission should correspondingly reduce the water and wastewater revenue requirements and resulting rates to be imposed upon Cypress Lakes customers.
  - c. The Commission should determine the appropriate plant capacity charges and policy for contributing distribution and collection plant to Cypress Lakes, and should order that Cypress



Lakes accept such donated distribution and collection plant and collect the appropriate plant capacity charges from all future developers requesting water and wastewater services or future water and wastewater customers, whichever the case may be.

WHEREFORE, the Citizens hereby protest and object to Commission Order No. PSC-07-0199-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,

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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  
(850) 488-9330

Attorney for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 060257-WS**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Cross-Petition has been furnished by U. S. Mail and electronic mail to the following parties this 5<sup>th</sup> day of April, 2007:

Katherine Fleming, Esquire  
Florida Public Service Commission  
Office of the 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  
Longwood, FL 32779

Gary V. Perko  
Karyl L. Alderman  
Hopping Green & Sams, P.A.  
123 S. Calhoun Street (32301)  
P.O. Box 6526  
Tallahassee, FL 32314

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Stephen C. Reilly  
Associate Public Counsel

Ruth Nettles  
PSC, Clerk's Office  
Commission Deputy Clerk II  
rnettles@psc.state.fl.us  
(850)413-6758

3/6/2007 4:30 PM

**PARTIES**

Ruth Nettles

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To: Ann Cole  
Subject: RE: Docket No. 060257-WS

Ok.

-----Original Message-----

From: Ann Cole  
Sent: Tuesday, March 06, 2007 4:30 PM  
To: Ruth Nettles  
Subject: FW: Docket No. 060257-WS

Please add. Thanks.

-----Original Message-----

From: Katherine Fleming  
Sent: Tuesday, March 06, 2007 4:03 PM  
To: Kimberley Pena  
Cc: Ruth Nettles; Ann Cole  
Subject: Docket No. 060257-WS

Please add the following person as an interested person in the docket file:

Dr. Robert Halleen  
2237 Big Cypress Blvd.  
Lakeland, FL 33810  
(863) 858-9811

Let me know if you need anything else. Thanks!

*l. me  
3/6/07  
R.V.N.*

DOCUMENT NUMBER-DATE

09911 OCT 31 5

FPSC-COMMISSION CLERK