

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificates 611-W and 527-S to extend water and wastewater service areas to include certain land in Charlotte County by Sun River Utilities, Inc. (f/k/a MSM Utilities, LLC).	DOCKET NO. 070109-WS FILED: DECEMBER 14, 2007
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STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-07-0452-PCO-WS, filed May 29, 2007, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

Suzanne K. Lex
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Ms. Lex will testify as to the utility's application being consistent or inconsistent with Charlotte County's Comprehensive Plan (Issue 5).

b. All Known Exhibits

SKL-1 -- Urban Service Area Overlay Map (Witness Lex)

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

ISSUE 1: Is there a need for service in the proposed territory, and, if so, when will service be required?

POSITION: No position at this time, pending further development of the record.

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ISSUE 2: Does the applicant have the financial ability to serve the proposed territory?

POSITION: It appears that the applicant does have the financial ability to serve the proposed territory. However, staff's final position will be dependent upon further development of the record.

ISSUE 3: Does the applicant have the technical ability to serve the proposed territory?

POSITION: It appears that the applicant does have the technical ability to serve the proposed territory. However, staff's final position will be dependent upon further development of the record.

ISSUE 4: Does the applicant have sufficient plant capacity to serve the requested territory?

POSITION: No position at this time, pending further development of the record.

ISSUE 5: Is the proposed amendment inconsistent with the Charlotte County Comprehensive Plan?

POSITION: It appears that, for the proposed territory west of U.S. 17 (Duncan Road), the utility's application is in compliance with the Comprehensive Plan. However, for the territory east of U.S. 17, it appears that the application is inconsistent with the Comprehensive Plan. Staff's final position will be dependent upon further development of the record.¹

ISSUE 6: Will the proposed amendment to the applicant's territory duplicate or compete with any other system?

POSITION: No position at this time, pending further development of the record.

ISSUE 7: If the proposed amendment would result in an extension of a system which would be in competition with, or a duplication of another system, is that other system inadequate to meet the reasonable needs of the public or is the owner of the system unable, unwilling, or neglecting to provide reasonably adequate service to the proposed territory?

POSITION: No position at this time, pending further development of the record.

Issue 8: Is it in the public interest for the applicant to be granted an amendment to Certificates Nos. 611-W and 527-S for the territory proposed in its application?

¹ Ms. Lex will address this issue.

POSITION: No position at this time, pending further development of the record.

e. Stipulated Issues

There are no stipulated issues at this time.²

f. Pending Motions

There are no pending motions at this time.

g. Pending Confidentiality Claims or Requests

There are no pending confidentiality claims or requests at this time.

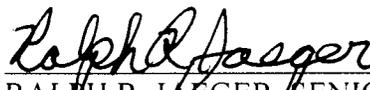
h. Objections to Witness Qualifications as an Expert

There are no objections to a witness' qualifications as an expert.

i. Compliance with Order No. PSC-07-0452-PCO-WS

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 14th day of December, 2007.



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² Staff has discussed with the utility and the County whether issues 3 and 4 could be stipulated.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Staff's Prehearing Statement was furnished to the following, by U.S. Mail, on this 14th day of December, 2007.

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