

Ruth Nettles

From: Trina Collins [TCollins@RSBattorneys.com]
Sent: Monday, April 07, 2008 3:00 PM
To: Filings@psc.state.fl.us
Cc: Reilly.steve@leg.state.fl.us; Ken Hoffman; Rosanne Gervasi; Martin Friedman; Trina Collins
Subject: Filing in Docket No.: 070183-WS; Utilities, Inc., In re: Proposed adoption of Rule 25-30.4325, F.A.C., Water Treatment Plant Used and Useful Calculations

Importance: High

Attachments: PSC Clerk 05 (Response to Senator Mike Fasano).ltr.04-07-2008(8).pdf

- a. Martin S. Friedman, Esquire
 Rose, Sundstrom & Bentley, LLP
 2180 W. State Road 434, Suite 2118
 Longwood, FL 32779
 Phone: (407) 830-6331
 Fax: (407) 830-8522
 Email: mfriedman@rsbattorneys.com
- b. Docket No.: 070183-WS; In re: Proposed adoption of Rule 25-30.4325, F.A.C., Water Treatment Plant Used and Useful Calculations - Filing letter in response to Senator Mike Fasano's April 3, 2008 correspondence to Chairman Matthew Carter.
- c. Utilities, Inc.
- d. 1 page.
- e. Letter to Commission Clerk – 1 page.

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LAW OFFICES
ROSE, SUNDBSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

FREDERICK L. ASCHAUER, JR.
CHRIS H. BENTLEY, P.A.
ROBERT C. BRANNAN
F. MARSHALL DETERDING
JOHN R. JENKINS, P.A.
KYLE L. KEMPER
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CHASITY H. O'STEEN
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WILLIAM E. SUNDBSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON
ROBERT M. C. ROSE (1924-2006)

(850) 877-6555
FAX (850) 656-4029
www.rsbattorneys.com

REPLY TO CENTRAL FLORIDA OFFICE

April 7, 2008

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CENTRAL FLORIDA OFFICE
SANLANDO CENTER
2180 W. STATE ROAD 434, SUITE 2118
LONGWOOD, FLORIDA 32779
(407) 830-6331
FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.
BRIAN J. STREET

CHRISTIAN W. MARCELLI, OF COUNSEL
(LICENSED IN NEW YORK ONLY)

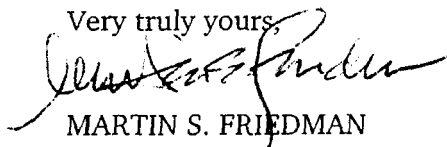
Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

RE: Docket No.: 070183-WS; In re: Proposed adoption of Rule 25-30.4325, F.A.C., Water
Treatment Plant Used and Useful Calculations
Our File No.: 30057.147

Dear Ms. Cole:

This letter is in response to Senator Mike Fasano's April 3, 2008 correspondence to Chairman Matthew Carter, copies of which went to the other Commissioners. At the outset, I would point out that at the request of the Office of Public Counsel, a full evidentiary hearing was held on this matter. If Senator Fasano was concerned about this issue, he certainly had every opportunity to present testimony at the hearing, but failed to do so. Since the Staff's Recommendation is contrary to OPC's position on the particular issue referenced by Senator Fasano, he has chosen to participate in inappropriate ex-parte communications with the Commissioners.

Obviously, we believe that Senator Fasano's comments should not be provided to the Commissioners and those who are privy to the comments should acknowledge that at the agenda. The Staff's recommendation on this particular issue is consistent with past decisions of the Commission, including at least one that was the subject of a full evidentiary hearing. The Staff's recommendation on that issue does not represent any change in prior Commission policy. Thus, the impact of the particular Rule provision on Senator Fasano's constituents is no different than currently exists.

Very truly yours,

MARTIN S. FRIEDMAN
For the Firm

MSF/tlc

cc: Stephen C. Reilly, Esquire (via email)
Kenneth A. Hoffman, Esquire (via email)
Rosanne Gervasi, Esquire, Office of General Counsel (via email)

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