

Ruth Nettles

From: Burton, Marty [Marty.Burton@charlottefl.com]
Sent: Wednesday, June 11, 2008 5:38 PM
To: Filings@psc.state.fl.us
Subject: RE: Docket No. 080272-WS
Attachments: Sun River Objection.doc

Ms. Menasco,

As requested, the cover letter has been combined with the objection into one attachment. Thank you for your assistance.

Marty Young Burton
Assistant County Attorney
Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, FL 33948-1094
Tel: 941.743.1330
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marty.burton@charlottefl.com

*Done
6/12/08
R.V.N.*

From: Filings@psc.state.fl.us [mailto:Filings@PSC.STATE.FL.US]
Sent: Wednesday, June 11, 2008 4:49 PM
To: Burton, Marty
Subject: FW: Docket No. 080272-WS

Ms. Burton:

We have received the attachments referenced in your e-filing below. Please note that per Commission e-filing requirements, any cover letter or certificate of service must be included in the electronic document to which it relates, and shall not be submitted as a separate attachment to the email. A link to the Commission's e-filing requirements is included for your convenience: <http://www.psc.state.fl.us/dockets/e-filings/>

Your filing will need to be revised and resubmitted in order to be eligible for electronic filing.

Please feel free to call our office if you have any questions.

Dorothy Menasco
FPSC
Office of Commission Clerk
850-413-6330

From: Burton, Marty [mailto:Marty.Burton@charlottefl.com]
Sent: Wednesday, June 11, 2008 4:29 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 080272-WS

Attached please find Charlotte County's cover letter to Ms. Ann Cole and Objection in the above-referenced docket. Please feel free to call me with any questions. Thank you.

Marty Young Burton
Assistant County Attorney

6/12/2008

DOCUMENT NUMBER-DATE

05019 JUN 12 08

FPSC-COMMISSION CLERK

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Please note: Florida has a very broad public records law. Most written communications to or from officials regarding county business, are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

Office of the Charlotte County Attorney
18500 Murdock Circle
Port Charlotte, FL 33948-1094
June 12, 2008

Via E-mail (filings@psc.state.fl.us)

Ms. Ann Cole, Chief
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 080272-WS
Application of Sun River Utilities, Inc. for Original Certificates to Provide Water and
Wastewater Service in Charlotte and DeSoto Counties, Florida

Dear Ms. Cole:

Attached is the original Word document wherein Charlotte County Objects to the
Application of Sun River Utilities, Inc. for Original Certificates to Provide Water and Wastewater
Service in Charlotte and DeSoto Counties, Florida and Request for Formal Hearing.

It is our understanding that we will receive an email acknowledgement from the PSC.
Thank you for your assistance in this matter.

Sincerely,

/S/

Martha Young Burton
Assistant County Attorney

MYB/ldl

Enclosures

cc: Janette S. Knowlton, County Attorney
Jeff Pearson, Director of Utilities
Roger Baltz, County Administrator
Jeff Ruggieri, Manager Growth Management

**STATE OF FLORIDA
BEFORE THE PUBLIC SERVICE COMMISSION**

**In re: APPLICATION OF SUN RIVER UTILITIES, INC.,
FOR ORIGINAL CERTIFICATES TO PROVIDE
WATER AND WASTEWATER SERVICE IN
CHARLOTTE AND DESOTO COUNTIES, FLORIDA.**

Docket No. 080272-WS

**OBJECTION OF THE BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA, TO THE APPLICATION OF SUN
RIVER UTILITIES, INC., FOR ORIGINAL CERTIFICATES TO
PROVIDE WATER AND WASTEWATER SERVICE IN
CHARLOTTE AND DESOTO COUNTIES, FLORIDA.**

The BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, (hereinafter referred to as the "Board"), hereby files this Objection to the Application of Sun River Utilities, Inc., (hereinafter referred to as "Applicant"), for Original Certificates to provide Water and Wastewater Service in Charlotte and DeSoto Counties, Florida and Request for Formal Hearing, and states that:

1. This objection relates to the Application of Sun River Utilities, Inc., (hereinafter referred to as "Applicant") for Original Certificates to provide Water and Wastewater Service in Charlotte and DeSoto Counties, filed May 14, 2008 (hereinafter referred to as the "Application").

2. The Board is the governing body of Charlotte County, Florida, a county affected by the Application.

3. This Objection has been timely filed for purposes of the Board requesting a public hearing on the Application, pursuant to Section 367.045(4), Florida Statutes, in that

30 days has not passed since the mailing of actual notice or publication of the Application to the Board.

4. The Board raises the following objections to the Application filed by Applicant:
 - a. The Board and the citizens of Charlotte County would be "substantially affected" by the requested service area extension, as defined by Section 367.045(4), Florida Statutes.
 - b. Pursuant to Florida Statutes, Section 367.171(1), on September 25, 2007, the County adopted Resolution No. 2007-143, rescinding Public Service Commission jurisdiction over investor-owned water and wastewater systems within the County and, as required by Chapter 367, on December 18, 2007, the County adopted Ordinance No. 2007-092 updating the County Code concerning investor-owned water and wastewater utilities.
 - c. The water and wastewater service area expansion proposed by Applicant represents an illegal encroachment into Charlotte County's utility service area, in that it would extend Applicant's certificated service area into Charlotte County Water and Sewer District No. 2, established by the Board in Resolution No. 2003-190 pursuant to its power as a home rule county and Chapter 153.08, Florida Statutes.
 - d. Should a need for utility service in the planned expansion areas within Charlotte County be established, the County is ready, willing, and able to provide water and wastewater service to any persons who have requested service from Applicant.
 - e. In addition, the Application for extension of water and wastewater service areas is inconsistent with Charlotte County's Comprehensive Plan which provides that planning for extension of potable water and sanitary sewer will influence new development:

"Planning for the extension of these services should therefore be considered an integral part of Charlotte County's Urban Service Area strategy identified in the Future Land Use Element."

Charlotte County Comprehensive Plan 1997 – 2010, Chapter 4.
Infrastructure Element, p. 4-102

- f. The planned expansion areas are outside of the County's Urban Service Area, thus constituting urban sprawl:

"New Facilities will be located within previously developed or developing urban areas to discourage urban sprawl"

Charlotte County Comprehensive Plan 1997 – 2010, Chapter 4.
Infrastructure Element, p. 4-121

- g. Granting of the proposed expansion would weaken the effectiveness of Charlotte County's planning and guidelines for future development and growth consistent with the Comprehensive Plan adopted by the Board of County Commissioners.
5. Wherefore, the Board requests the following relief:
- a. That the Public Service Commission deny the Application;
- b. That a copy of the Application, and all supporting documents, be forwarded to the Board, c/o Roger Baltz, Charlotte County Administrator, 18500 Murdock Circle, Port Charlotte, Florida 33948-1094;
- c. That pursuant to Rule 25-22.029, F.A.C., the Public Service Commission issue a Notice of Proposed Agency Action concerning the Application; and
- d. If necessary, the Public Service Commission hold a public hearing on the Application in order that the Board may protect the citizens of Charlotte County, such public hearing to be in Charlotte County, Florida, pursuant to Section 367.045(4), Florida Statutes.

Respectfully submitted,

/S/ Martha Young Burton

Martha Young Burton
Assistant County Attorney
Fla. Bar #398179
Attorney for Charlotte County, Florida
Charlotte County Attorney's Office
18500 Murdock Circle
Port Charlotte, FL 33948-1094
(941) 743-1330

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the attached Service List:

- via email to Ann Cole, Office of Commission Clerk,
- via U.S. Mail to Caroline Klancke, Esq. and Erik Saylor, Esq. Public Service Commission Staff,
- via facsimile and U.S. mail to Robert C. Brannan, Esq. for Sun River Utilities, Sun River Utilities, Inc.,
- via facsimile and U.S. mail to Roger Pulley, DeSoto County Administrator,
- via facsimile and U.S. mail to Fred Busack, Esq., Howard E. Adams, Esq. and John Pelham, Esq. for DeSoto County,

this 11th day of June, 2008.

/S/ Martha Young Burton

Martha Young Burton

SERVICE LIST

Ms. Ann Cole, Chief
Division of Records and Reporting
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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