

Dorothy Menasco

From: Larry Karns [lkarns@LakeWorth.org]
Sent: Thursday, September 11, 2008 4:15 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 080535-WU: City of Lake Worth's objection to application
Attachments: objection 2 to application.wpd

- a. Larry A. Karns, 7 North Dixie Highway, Lake Worth, Florida 33460, (561) 586-1631, lkarns@lakeworth.org
- b. Docket No. 080535-WU; In re Application of Aqua Utilities Florida, Inc. for extension of water service
- c. City of Lake Worth
- d. City of Lake Worth's Objection to application for amendment to certificate of authorization and request for formal administrative hearing

9/11/2008

DOCUMENT NUMBER-DATE

08497 SEP 11 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION

IN RE: Application of
AQUA UTILITIES FLORIDA, INC.
For extension of water service in
Palm Beach County, Florida.

Docket No. 080535-WU

**OBJECTION TO APPLICATION FOR AMENDMENT TO
CERTIFICATE OF AUTHORIZATION AND
REQUEST FOR FORMAL ADMINISTRATIVE HEARING**

CITY OF LAKE WORTH, by its undersigned counsel, pursuant to Rule 25-30.031 of the Florida Administrative Code and Sections 120.54(5)(b)(4), 120.569, 120.57(1), and 367.045, Florida Statutes, objects to the application of Aqua Utilities Florida, Inc. for amendment of its water certificate to add territory in Palm Beach County, Florida (the application), and requests an administrative hearing for the following reasons:

1. The City of Lake Worth (the "City") is a municipality located within Palm Beach county, Florida and possesses all corporate powers and authority as granted by the Constitution and laws of the State of Florida, including those set forth in Chapter 180, Florida Statutes.

2. Chapter 180, Florida Statutes, provides for, among other provisions, the authority of a municipality to provide municipal public works both within its municipal boundaries and the extension and execution of all of its corporate powers for the promotion of the public health, safety and welfare beyond its corporate limits, including the provision of water services within its municipal boundaries and within a 5 mile service area pursuant to Section 180.02(3), Florida Statutes.

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3. Aqua Utilities Florida, Inc. Is an existing utility which has filed the application to extend its water service area in Palm Beach County.

4. The City will be substantially affected if the application is granted.

5. The City objects to the application for the following grounds:

a. The proposed amendment is inconsistent with the Comprehensive Plan of the City.

b. The City provides water utility services within the proposed area and has the capability of providing water service to the area sought to be included within the proposed amendment. Indeed, the City believes that most of the area to be served lies within the City. (The City cannot determine the precise area requested to be served by Aqua Utilities Florida, Inc. In that the legal description submitted by the utility is incorrect and does not contain a map of the proposed area to be served.)

c. Aqua Utilities Florida, Inc. Does not have the technical ability to provide water to the proposed area without the services of the City. Indeed, the City provides water services to the utility for its existing service area within Palm Beach County.

d. The granting of the application of Aqua Utilities Florida, Inc. will result in a duplication of service in the proposed area.

e. The granting of the application is not in the public interest.

6. The name of the objector is the City of Lake Worth, 7 North Dixie Highway, Lake Worth, Florida 33460.

7. Notices and communications with respect to this docket should be addressed to: Larry A. Karns, City Attorney, City of Lake Worth, 7 North Dixie Highway, Lake Worth, Florida 33460.

WHEREFORE, the City of Lake Worth respectfully requests that this matter be set for a formal Administrative Hearing and that the application of Aqua Utilities Florida, Inc. be denied.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished by U.S. mail to Michael B. Twomey, Esq., P.O. Box 5256 Tallahassee, Florida 32314-5256, this 11th day of September 2008.

s/ Larry A. Karns
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