

State of Florida



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# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** October 14, 2008  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Caroline Klancke, Senior Attorney, Office of General Counsel *CMK*  
**RE:** Docket No. 080538-WU - Application for quick-take amendment and application for amendment of Certificate No. 238-W to extend water service to certain territory (Tomoka) in Volusia County, by Aqua Utilities Florida, Inc.

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Please place the attached documents in the above-referenced docket file. Thank you.

CMK/tfw

DOCUMENT NUMBER-DATE

09753 OCT 14 8

FPSC-COMMISSION CLERK

**Theresa Walsh**

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**From:** Theresa Walsh  
**Sent:** Tuesday, October 14, 2008 11:39 AM  
**To:** Theresa Walsh

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**From:** Hayes, Randy [mailto:hayes@ormondbeach.org]  
**Sent:** Monday, October 13, 2008 4:55 PM  
**To:** Caroline Klanke; miketwomey@talstar.com; Smith, Carl D.; mcLeod@ormondbeach.org; mconnors@co.volusia.fl.us  
**Cc:** Theresa Walsh  
**Subject:** RE: Dkt. No. 080538 Informal Meeting

Dear Ms. Klanke,

I've had an opportunity to review and discuss Mr. Twomey's letter with the city's acting city manager. Based on the information provided, it appears as if Aqua Utilities is merely seeking to serve about eight existing customers that may have been inadvertently omitted from its approved geographic service area. Based on those circumstances, I don't believe that city officials would desire to continue their objection to the continued service by Aqua Utilities to those customers.

However, neither the acting city manager nor I are presently in a position to withdraw the city's letter of objection without being so directed by the city commission. The city commission will next meet on the evening of October 21 at which time the acting city manager will recommend to the city commission that it authorize the withdrawal of the letter of objection. Our teleconference, however, is scheduled for the morning of October 21, prior to the city commission meeting.

In order to spare everyone the inconvenience of attending a teleconference which may be unnecessary, I would propose that we cancel or at least post-pone the teleconference so that we may present the additional information to the city commission at its October 21 meeting. I can notify you the following day as to whether the city commission followed the recommendation of the acting city manager to withdraw its letter of objection.

Please advise if that is acceptable to everyone and thank you all for your professional courtesies.

Randy Hayes  
ORMOND BEACH CITY ATTORNEY

DOCUMENT NUMBER-DATE

09753 OCT 14 8

10/14/2008

FPSC-COMMISSION CLERK

## Theresa Walsh

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**From:** Theresa Walsh  
**Sent:** Tuesday, October 14, 2008 11:40 AM  
**To:** Theresa Walsh

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

From: Mike Twomey [mailto:miketwomey@talstar.com]  
Sent: Monday, October 13, 2008 5:11 PM  
To: Hayes, Randy  
Cc: Caroline Klancke; Smith, Carl D.; mcleod@ormondbeach.org; mconnors@co.volusia.fl.us; Theresa Walsh  
Subject: Re: Dkt. No. 080538 Informal Meeting

Mr. Hayes,

First, Aqua appreciates your revised view of its application and is hopeful that your Commission will accept your recommendation to withdraw its objection. Secondly, we agree that the conference call should be canceled to give your Commission the opportunity to consider your recommendation.

Thank you again for your willingness to take a second look at the particulars of the application.

Best regards,

Mike Twomey

Hayes, Randy wrote:

> Dear Ms. Klanke,  
>  
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> the city's acting city manager. Based on the information provided, it  
> appears as if Aqua Utilities is merely seeking to serve about eight  
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> Please advise if that is acceptable to everyone and thank you all for  
> your professional courtesies.  
>  
>  
> Randy Hayes  
> ORMOND BEACH CITY ATTORNEY

## Theresa Walsh

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**From:** Theresa Walsh  
**Sent:** Tuesday, October 14, 2008 11:40 AM  
**To:** Theresa Walsh

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**From:** Caroline Klancke  
**Sent:** Tuesday, October 14, 2008 10:26 AM  
**To:** 'Hayes, Randy'; miketwomey@talstar.com; Smith, Carl D.; mcleod@ormondbeach.org; mconnors@co.volusia.fl.us  
**Cc:** Theresa Walsh; Stan Rieger; Patti Daniel  
**Subject:** RE: Dkt. No. 080538 Informal Meeting

Dear Mr. Hayes,

I concur that under the circumstances the informal meeting to discuss this matter should be cancelled. If on the basis of ongoing discussions that staff has with both Volusia County and the City of Ormond Beach we will reschedule the meeting at a later date. Staff appreciates the City's proactive approach to this matter and we look forward to hearing the outcome of the City Commission's meeting on October 21, 2008.

*Caroline M. Klancke*  
*Senior Attorney*  
*Economic Regulation Section*  
*Office of the General Counsel*  
*Florida Public Service Commission*  
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*[cklanche@psc.state.fl.us](mailto:cklanche@psc.state.fl.us)*