

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
PATRICK L. "BOOTER" IMHOF
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

April 14, 2009

James L. O'Leary, II
38089 Vanderbilt Drive, Suite 202
Bonita Springs, FL 34134

RECEIVED-FPSC
09 APR 14 PM 3:18
COMMISSION
CLERK

Re: Docket No. 090056-SU, Application for approval of transfer of wastewater system of Fountain Lake Sewer Corporation, holder of Certificate 442-S, to Aqua Utilities Florida, Inc., holder of Certificate 268-S, and for amendment of Certificate 258-S, in Lee County, by Aqua Utilities Florida, Inc.

Dear Mr. O'Leary:

Thank you for your letter in which you voiced your objection to the transfer of Fountain Lake Sewer Corporation's water system in the above-referenced docket. Please be advised that the Commission's consideration of this matter is limited to the appropriateness of the transfer from Fountain Lake Sewer Corporation to Aqua Utilities Florida, Inc. The Commission does not have authority to require an interconnection or sale to Bonita Springs Utilities (BSU). That being said, you have several options with regard to your level of participation in this matter.

Before acting on your letter, the Commission must know your intent regarding your objection to the above-referenced transfer in this docket. If you choose to pursue this protest, an administrative hearing will be scheduled. You will have certain rights and responsibilities to put on your case, including filing written testimony, participating in motion practice and formal discovery, filing a prehearing statement, attending a prehearing to be held in Tallahassee, Florida, putting on witnesses and cross-examining utility and other witnesses at the hearing, and filing a post-hearing brief. All of these activities will have due dates that will be required to be met by all parties to this proceeding. Although utility customers may represent themselves at formal hearings before the Florida Public Service Commission, it may be preferable to hire counsel or a qualified representative to represent you.

If you do not wish to pursue a formal hearing, your letter will be placed in the correspondence side of the docket file in this case, where your concerns will remain available for review and informational purposes. Additionally, upon your request, we can send you a copy of staff's recommendation, and you may address the Commissioners at the Agenda Conference.

If you wish to initiate a hearing in the above-referenced docket, please submit to the undersigned a petition initiating formal proceedings in accordance with the requirements of Rule 28-106.201, Florida Administrative Code, by **Tuesday, April 28, 2009**. Your petition should be made in writing and should be addressed to the Florida Public Service Commission, Director,

DOCUMENT NUMBER-DATE
03330 APR 14 09
FPSC-COMMISSION CLERK

Page 2

March 16, 2009

Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. If we do not hear from you by Tuesday, April 28, 2009, we will assume that you do not wish to pursue a formal hearing and your letter will be placed in the correspondence side of the docket file in the above-referenced matter.

If you have any questions regarding the initiation of the protest process or the information contained herein, please do not hesitate to contact the undersigned at (850) 413-6076 or anwillia@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anna Williams', with a stylized flourish at the end.

Anna Williams, Esq.

Attorney

Office of the General Counsel

cc: Office of Commission Clerk
Mary Jo Kelley
Michael B. Twomey