

**Dorothy Menasco**

090478-WS

FPSC, CLK - CORRESPONDENCE

Administrative  Parties  Consumer

**From:** Dorothy Menasco  
**Sent:** Tuesday, December 14, 2010 9:54 AM  
**To:** Caroline Klancke  
**Subject:** RE: Docket 090478-WS - Parties

**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

Thank you for the confirmation, Caroline. Per this e-mail, we will leave Hollimon PA's contact information alone and will keep Vickie Kaufman as an interested person.

**From:** Caroline Klancke  
**Sent:** Tuesday, December 14, 2010 9:51 AM  
**To:** Dorothy Menasco  
**Subject:** RE: Docket 090478-WS - Parties

Vicki Kaufman was only appearing in the Skyland docket for the purposes of this agenda only. Thus, Hollimon PA will still be representing Pasco County in Dkt. No. 090478.

**From:** Dorothy Menasco  
**Sent:** Tuesday, December 14, 2010 8:41 AM  
**To:** Caroline Klancke  
**Subject:** RE: Docket 090478-WS - Parties

Thank you!

**From:** Caroline Klancke  
**Sent:** Tuesday, December 14, 2010 8:15 AM  
**To:** Dorothy Menasco  
**Subject:** RE: Docket 090478-WS - Parties

Dorothy, I will inquire with Pasco and get back to you shortly.

**From:** Dorothy Menasco  
**Sent:** Monday, December 13, 2010 5:46 PM  
**To:** Caroline Klancke  
**Subject:** Docket 090478-WS - Parties

Hi Caroline,

CLK has received a notice of appearance for Pasco County by Keefe Law Firm/Kaufman (DN 09890-10). Please advise if she is to be designated as a party of record; and whether or not Hollimon, P.A. should be removed from the parties list entirely. Thank you for your help.

*Dorothy Menasco  
 Chief Deputy Commission Clerk  
 Florida Public Service Commission  
 Office of Commission Clerk  
 850-413-6770*

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

12/14/2010

Dorothy Menasco

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Thursday, July 08, 2010 2:32 PM  
**To:** 'jayelverton@embarqmail.com'  
**Cc:** Matilda Sanders  
**Subject:** FW: Docket # 090478-WS  
**Attachments:** online petition Skyland.pdf

FPSC, CLK - CORRESPONDENCE  
 \_\_\_Administrative\_\_\_ ~~Parties~~ \_\_\_Consumer\_\_\_  
**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

Good afternoon, Jill:

The PDF attachment is the correct filing format. However, any attachments must have the proper signature per the e-filing requirements. A link to the e-filing requirements on the Commission's website is shown below. Your attachment also shows a link to the petition on-line. Please note that links embedded in filed documents cannot be made available on the Commission website.

Your filing will need to be revised further and resubmitted in order to be accepted for filing.

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

*Dorothy Menasco  
 Chief Deputy Commission Clerk  
 Florida Public Service Commission  
 Office of Commission Clerk  
 850-413-6770*

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

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**From:** Jill [mailto:jayelverton@embarqmail.com]  
**Sent:** Wednesday, July 07, 2010 5:19 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** RE: Docket # 090478-WS

Will the attached work?

---

**From:** Filings@psc.state.fl.us [mailto:Filings@PSC.STATE.FL.US]  
**Sent:** Wednesday, July 07, 2010 4:43 PM  
**To:** jayelverton@embarqmail.com  
**Cc:** Diamond Williams; Matilda Sanders  
**Subject:** FW: Docket # 090478-WS

Jill:

We are in receipt of your e-mail below. However, this e-mail is not eligible for electronic filing. Please see e-filing requirements on the PSC webpage at: <http://www.psc.state.fl.us/dockets/e-filings/>

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

7/8/2010

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

*Dorothy Menasco*  
*Chief Deputy Commission Clerk*  
*Florida Public Service Commission*  
*Office of Commission Clerk*  
 850-413-6770

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

---

**From:** Jill [mailto:jayelverton@embarqmail.com]  
**Sent:** Wednesday, July 07, 2010 3:15 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket # 090478-WS

Please include this petition in the documents for Skyland Utilities application for water and wastewater utilities docket # 090478-WS.

[http://www.petitiononline.com/mod\\_perl/signed.cgi?Skyland](http://www.petitiononline.com/mod_perl/signed.cgi?Skyland)

Sincerely, Jill Yelverton  
 34915 Oberry Road, Dade City, FL 33523  
 352-4242556  
**To: Florida Public Service Commission**

We strongly object to Skyland Utilities application (Case No.: 090478-WS) for a water and wastewater utilities certificate in Pasco and Hernando counties.

We respectfully request that the Skyland Utilities, LCC, application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges be denied.

Sincerely,

The Undersigned

63. John & Marie Melaugh	n/a
62. Diane Parker	n/a
61. Jinx Epperson	objection
60. Pat Carver	n/a
59. Geroge Carver	n/a
58. michael k pettengill	mkpettengill
57. Cheryl Conn	New utility is not needed
56. James Burnsed	Don't overlook the future with a poor decision today!!!!
55. MARY WOOLEY	33523

7/8/2010

54.	matt woods	Times are changing, we have to make more intelligent decisions. Protect our environment by sustaining our resources.	33525
53.	Brent Noury		33541
52.	dan millstead		n/a
51.	Sally Redden	There is no demonstrated need for this new utility.	Establishing this new private utility is in conflict with our Comprehensive Plan.
50.	Charity Rice		n/a
49.	Jennifer L. Seney	there is no established need for this utility	n/a
48.	Allen Blount		33525
47.	Elizabeth Collins Rice		I highly object to water and waster water by Skyland Utilities!!!!
46.	Bart Rice		33523
45.	Sandra Kay Carris		draw down
44.	David Anderson Smith	this utility is not necessary	na
43.	Jeff Hosman		33523
42.	Julie Moore		please deny this request
41.	Susan Bolender	Stop this action	33523
40.	Diane McCabe Vaughan	Our limited water resources should not be used for a company to profit.	Diane McCabe Vaughan
39.	Carol Cruz		no
38.	Marilyn Hiller	n/a	n/a
37.	Mark DellaPorte		n/a
36.	Mary E. Cefalo		33523
35.	Deborah Knickerbocker	we don't need anymore land owners pumping ground water out of our county. Enough is enough haven't you dried up enough wells and ruined as many homes?	Deborah Knickerbocker
34.	Gregory P Smith		Gregory P Smith
33.	Mary McKnight	As water resources become more precious, it is important to keep water under control of community for the common good.	33525
	Margaret	Water control should be for good	

32. Woods	of public, not for private profit.	33525	
31. Bob Blanchard		n/a	
30. Bruce Mohr		n/a	
29. Carlene Monsalve		n/a	
28. Christopher J. Lombardi	water harvesting will compromise surrounding homes, ranches and agriculture by infiltrating ground water to existing wells. My home has state tested water and I will hold Skyland Utilities accountable for water deterioration that can and will harm my family	30704 Hawkeye Rd	
27. DENISE A COIT	Please deny this request	n/a	
26. Vicki A Johnson	Area not zoned for this type of industry.	n/a	vj
25. David Johnson	does not conform to comprehensive plan for area.	n/a	dj
24. Donald L. Bowman		N/A	
23. Kathleen O. Bowman		N/A	
22. Jeff Andras		not applicable	
21. Robert S. Rey	I oppose this facility as the population demand does not deem its requirement	oppose	
20. Jack Hoffman		n/a	
19. Stella Hoffman		n/a	
18. Cassandra Lombardi		n/a	
17. Christopher Lombardi		n/a	
16. Kristina Lombardi		n/a	
15. Alexis Urso Veilleux		n/a	
14. Kurt G Veilleux		na/	
Name	Comments		
13. david mayer	no utility plants period!		n/a
12. Kevin G Veilleux			n/a
11. Brittany Lynn Veilleux			n/a
10. Lynn Hirth Veilleux			Go Away....

9.	Cindy Shaw		n/a
8.	Richard K Riley	Water should be controlled by the government, not a profit making business.	Richard
7.	Sue Ann Howard	We are to low on water source now. Who's to say, we will have the water later, to give. This is a natural resource. That no private company owner should have right to sell.	NA
6.	Norman J. Blake		n/a
5.	Virginia D. Blake		Virginia D. Blake
4.	Nancy E. Hazelwood		N/A
3.	Sharon Blanchard		n/a
2.	Paul Boetcher		Government Utilities Only
1.	Jill Yelverton		n/a

**Dorothy Menasco**

090478-WS

**From:** Caroline Klancke  
**Sent:** Wednesday, September 01, 2010 9:19 AM  
**To:** Dorothy Menasco  
**Cc:** Shalonda Hopkins; Catherine Potts  
**Subject:** RE: New Contact Info - Docket 090478-WS

**FPSC, CLK - CORRESPONDENCE**  
 \_\_\_ Administrative  Parties \_\_\_ Consumer  
**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

Thank you Dorothy for your help with this matter.

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**From:** Dorothy Menasco  
**Sent:** Wednesday, September 01, 2010 8:59 AM  
**To:** Caroline Klancke  
**Cc:** Shalonda Hopkins; Catherine Potts  
**Subject:** FW: New Contact Info - Docket 090478-WS

Good morning, Caroline,

This e-mail is being sent to provide confirmation, per our conversations by phone and e-mail below, that we have removed Pennington Law Firm and replaced it with Hollimon, P.A., as a party of record, with the contact information indicated below, in Docket 090478-WS.

*Dorothy Menasco  
 Chief Deputy Commission Clerk  
 Florida Public Service Commission  
 Office of Commission Clerk  
 850-413-6770*

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

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**From:** Dorothy Menasco  
**Sent:** Wednesday, August 25, 2010 4:14 PM  
**To:** Caroline Klancke  
**Cc:** Shalonda Hopkins; Catherine Potts  
**Subject:** RE: New Contact Info

Thank you for the clarification Caroline. Per our phone conversation, I will put this on the calendar to be updated on September 1, 2010. We will completely remove Pennington Law Firm as a party of record and replace it with Hollimon, P.A. with the following contact information:

Hollimon, P.A.  
 William H. Hollimon  
 118 N. Gadsden St.  
 Tallahassee, FL 32301  
 (850) 320-8515  
[bill@hollimonpa.com](mailto:bill@hollimonpa.com)

I will send you an e-mail on September 1st advising that this contact information has been changed. As discussed, if you don't hear from me for any reason, please follow-up with me (and cc Cathi Potts) to make sure I received the electronic calendar reminder.

Thank you for your help.

9/1/2010

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**From:** Caroline Klancke  
**Sent:** Wednesday, August 25, 2010 3:53 PM  
**To:** Nonnye Grant; Dorothy Menasco  
**Cc:** Katie Ely; Shalonda Hopkins; Catherine Potts  
**Subject:** RE: New Contact Info

Please be advised that Mr. Hollimon is leaving the Pennington Law Firm but is remaining as counsel for Pasco County in Docket No. 090478. Pasco was initially represented by Mr. Adams and then Pasco retained the Pennington Law Firm in this docket. On March 26, 2010, Mr. Hollimon and the Pennington filed a Notice of Appearance in Docket No. 090478 on behalf of Pasco County whereupon this law firm was added to the docket as a party. Since Mr. Hollimon is now leaving the Pennington Law Firm but will remain counsel for Pasco County, please ensure that the party now titled "Pennington Law Firm" is replaced with Hollimon P.A. and the contact information comports with the attached v-card. If you have any questions, please let me know. Thank you.

---

**From:** Nonnye Grant  
**Sent:** Wednesday, August 25, 2010 3:40 PM  
**To:** Dorothy Menasco  
**Cc:** Caroline Klancke; Katie Ely; Shalonda Hopkins; Catherine Potts  
**Subject:** RE: New Contact Info

Dorothy, I checked and the only name we have listed in MCD for the Pennington Law Firm, is Mr. Howard E. Adams, who is only on the Notice mailing lists. Thanks, Nonnye

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**From:** Dorothy Menasco  
**Sent:** Wednesday, August 25, 2010 3:32 PM  
**To:** Nonnye Grant  
**Cc:** Caroline Klancke; Katie Ely; Shalonda Hopkins; Catherine Potts  
**Subject:** FW: New Contact Info

Nonnye, please see Mr. Holliman and Caroline Klancke's request below. I have highlighted it in purple and a larger font for convenience. I'm forwarding this to you in case he is on any mailing group lists in MCD.

Caroline, the only open docket that includes Mr. Hollimon is Docket 090478-WS - Application for original certificates for proposed water and wastewater systems, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC. Please advise if Pennington Law Firm should remain a party in this docket *as well as* Mr. Hollimon at his new address, or if Mr. Hollimon and his new address will *completely replace* the Pennington Law Firm in this docket.

Please also note that Katie Ely is no longer working in the Documents Section and should not be included on any matters related to correspondence. Those requests should be forwarded to me with a copy to Cathi Potts.

Thank you for your help.

*Dorothy Menasco  
Chief Deputy Commission Clerk  
Florida Public Service Commission  
Office of Commission Clerk  
850-413-6770*

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

9/1/2010

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

From: Caroline Klancke  
Sent: Wednesday, August 25, 2010 10:02 AM  
To: Katie Ely; Dorothy Menasco  
Cc: Shalonda Hopkins  
Subject: RE: New Contact Info

Mr. Hollimon represents Pasco County in Docket No. 090478.

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

From: Katie Ely  
Sent: Wednesday, August 25, 2010 10:02 AM  
To: Dorothy Menasco  
Cc: Caroline Klancke; Shalonda Hopkins  
Subject: FW: New Contact Info

Dorothy,

Would this be something someone in your shop takes care of? I am unsure which docket this lawyer is attached to.

Thanks!

Katie Ely  
Commission Deputy Clerk I  
Office of Commission Clerk - Scheduling and Reporting Florida Public Service Commission  
850-413-6304

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

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

From: Caroline Klancke  
Sent: Wednesday, August 25, 2010 9:59 AM  
To: Shalonda Hopkins; Katie Ely  
Subject: FW: New Contact Info

Please ensure that per Mr. Hollimon's e-mail below that as of September 1, 2010, that our e-mail distribution on both CMS and our internal outlook reflects that Mr. Hollimon's new e-mail address is as follows: [bill@hollimonpa.com](mailto:bill@hollimonpa.com). Thank you.

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

From: Bill H. Hollimon [<mailto:bhollimon@penningtonlaw.com>]  
Sent: Tuesday, August 24, 2010 4:43 PM  
To: Caroline Klancke  
Subject: Re: New Contact Info

Pasco, for some reason, has asked me to stay on the case.

--

9/1/2010

William H. Hollimon  
Patent & IP Law  
Pennington Moore Wilkinson Bell & Dunbar, P.A.  
215 S. Monroe St.  
2nd Floor  
Tallahassee, FL 32303  
(850) 222-3533

bhollimon@penningtonlaw.com  
www.penningtonlaw.com

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From: Caroline Klancke <CKLANCKE@PSC.STATE.FL.US>  
Date: Tue, 24 Aug 2010 15:03:07 -0400  
To: Bill Hollimon <bhollimon@penningtonlaw.com>  
Subject: RE: New Contact Info

Congratulations! Will this affect your representation of Pasco County in Docket No. 090478?

Caroline M. Klancke  
Senior Attorney  
Economic Regulation Section  
Office of the General Counsel  
Florida Public Service Commission  
Phone: (850) 413-6220  
Fax: (850) 413-6221  
cklancke@psc.state.fl.us

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

From: Bill H. Hollimon [mailto:bhollimon@penningtonlaw.com]  
Sent: Tuesday, August 24, 2010 2:27 PM  
To: Alia Faraj; Joe Farrell; FeedBlitz; Matt Feldman; Rob Feldman; Jim Fessler; J. Fewell; Thomas Findley; Sean Finnerty; Mike Fischera; John FitzGerald; Leona Fitzmaurice; Marty Fitzpatrick; Florida Public Utilities; John Flowers; Beleria Floyd; Bobby Floyd; Wayne Folsom; Alex Fonoroff; Dillon Forbes; David Francis; Bryan Franklin; John Fraser; John Fraser; Towson Fraser; Chapin Frazee; Jack Frazee; Jeff Frehn; Jim Funk; Ray Gainey; Todd Gainey; Billy Galloway; Sonia Garcia-Solis; Craig Gass; Joy Gaumer; Dan Gelber; Dan Gelber; Hank Gevedon; Mark Gibson; Irwin Gilbert; Matthew Gilbert; Bob Gill; Julia Gill; Andrew Gillum; Bill Gilmore; Dan Girardi; George Gance; Phillip Gleaton; Rose Glee; Dwayne Goetzl; Glen Goldsmith; Connie Gonzalez; Ben Gordon; Sarah Gorman; Lois Gracey; Mimi Graham; William Graham; Tom Grande; elizabeth granger; Ben Graybar; Andrea Greenspan; Andy Greenspan; Brent Gregory; Wendy Grey; Rob Gross; Linda Grubb; Beatriz Guerra; Chad Guice; Bart Gunter; William Guthrie; Charles Guyton; Wesley Haber; Chet Hall; Roger Handberg; Herbert Hanegan; Randall Hanna; Sven Hanson; Joanne Hardy; Brant Hargrove; Don Harrington; Fred Harris; Gary Harris; Bob Hart; Chris Hart; Kenneth Hart; Bradley Harvell; Jennifer Heath; Chad Heckman; Leonard Helfand; Sarah Hembree; Carlos Henley; Brad Herndon; Gary Herndon; Thomas Hickey; Jim Hicks; Joshua High; Allen Hinderaker; Janet Hinkle; Chuck Hinson; Carl Hixon; Matthew Hoffman; Bill H. Hollimon; Bill H. Hollimon; Bryson Hollimon; Elizabeth Hollimon; John Hollimon; Lee Hollimon; philip hollimon; Phoebe Hollimon; Will Hollimon; William Hollimon; Darrin Holloman; Aaron Holloway; JD Holly W. Meadows; Deborah Holton; Don Horne; Julie Horne; Julie and Don Horne; Wiley Horton; Sandra Houston; Frank Hrach; Valerie Hubbard; Dwayne Hultquist; Tann Hunt; Susan Hutchison; John Iarussi; William

9/1/2010

Intner; Kristian Jacobi; Blair Jacobs; Jill Jacobs; Herb Jervish; Jim; Joe Johnson; Ken Johnson; Chip Jones; Drew Jones; W. Jones; Diana Jones-Ellis; Walter, Joseph; Julie Kane; Roome, Katherine; Linda Kattwinkel; Kaye Westmark; Rick.

Kearney; Larry Keefe; Joe Kelley; Susan Kelsey; Bruce Kennedy; GARY KETCHUM; Raun Kilgo; Sidney W. Kilgore; Greg King; Geoffrey Kirk; AAI Kirk T. Luchman; Beth Kirkland; Caroline Klancke; Linda Kleindienst; Thomas A. Knoth; Kevin Kordziel; DAVIDSON KOZLOWSKI; Frank Krupenbacher; Richard LaBounty; Gib Laite; Hope Lamantia; David Lamb; William Lamb; Frank Landgraff; Brenda Langman; William Large; Bill Larson; Dawn McArdle at KAGM Law; IPWatchdog.com | Patents & Patent Law; Tim Leadbeater; Clayton Lee; Gregory Lee; Terri Lee; Jenny Lefmann; Jason Legg; Jennifer Legg; Rebecca LeGrand; Cynthia Leiseca; Larry Lemanski; Phyllis Lentz; Steven Leoni; Amy Leshan; Mark Levine; Matthew Levy; Bill Lewis; Craig Lewis; John Lewis; Jeff Liang; Tracey Liebowitz; Ted Lienesch; Ted Lienesch; Joanna Lilly; Dan Litteral; Cyndi Locke; Wayne Logan; Jay Logel; John Long; Thomas Long; Larry Lynch; Marcy Lynch; Tom Lynch; Ellen Lyons

Cc: Bill H. Hollimon

Subject: New Contact Info

I am happy to report that as of September 1, 2010, I am starting my own law firm. I have attached a vcard with my new contact information (I also have listed it below).

My practice will continue to focus on intellectual property - patents, trademarks, and copyrights - as well as complex litigation and mediation.

Please update your contact information so that we can stay in touch!

William H. Hollimon  
Hollimon, P.A.  
118 N. Gadsden St.  
Tallahassee, FL 32301  
(850) 320-8515

[bill@hollimonpa.com](mailto:bill@hollimonpa.com)  
[www.hollimonpa.com](http://www.hollimonpa.com)

--

William H. Hollimon  
Patent & IP Law  
Pennington Moore Wilkinson Bell & Dunbar, P.A.  
215 S. Monroe St.  
2nd Floor  
Tallahassee, FL 32303  
(850) 222-3533

[bhollimon@penningtonlaw.com](mailto:bhollimon@penningtonlaw.com)  
[www.penningtonlaw.com](http://www.penningtonlaw.com)

9/1/2010

**Marguerite McLean**

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, August 27, 2010 1:40 PM  
**To:** 'BRevell@RSBattorneys.com'  
**Subject:** FW: Skyland 090478-WS

FPSC, CLK - CORRESPONDENCE  
Administration  Parties  Consumer  
DOCUMENT NO. 11323-09  
DISTRIBUTION: \_\_\_\_\_

**Ms. Revell:**

We are in receipt of your transmittal letter notifying the Commission of Skyland's withdrawal of the motion to continue, filed August 20th.

**Per the Commission's Electronic Filing Requirements:**

**" E-Mail Transmitting an Electronically Filed Document**

- The e-mail message transmitting the document(s) to be filed is not itself considered a filing. Therefore, documents contained within the text of an e-mail transmission will not be considered filed. "

Your document will need to be revised and resubmitted to be considered an official filing.

A link to the Commission's electronic filing requirement is being included for your convenience.  
<http://www.floridapsc.com/dockets/e-filings/>

Please call our office if you have any questions.

**Marguerite H. McLean**  
**Commission Deputy Clerk II**  
**Office of Commission Clerk**  
**850-413-6770**

---

**From:** Bronwyn Revell [mailto:BRevell@RSBattorneys.com]  
**Sent:** Friday, August 27, 2010 9:12 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** Bill H. Hollimon; Caroline Klancke; derrill@hoganlawfirm.com; gene@penningtonlaw.com; Geoffrey Kirk; jrichards@pascocountyfl.net; Lisa Bennett; lobbins@deanmead.com; mminton@deanmead.com; reilly.steve@leg.state.fl.us; skilgore@penningtonlaw.com; Charles Rehwinkel  
**Subject:** Skyland 090478-WS

- The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing:  
John L. Wharton  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
(850) 877-6555/(850)656-4029 Fax
- The docket number and title if filed in an existing docket:

8/27/2010

090478-WS, Skyland Utilities, LLC

- c. The name of the party on whose behalf the document is filed:  
Skyland Utilities, LLC
- d. The total number of pages in each attached document: 0 pages
- e. A brief but complete description of each attached document:

Please consider this email as Skyland's withdrawal of the Motion to Continue filed on Friday, August 20<sup>th</sup>, by Skyland.

Thank you.

**BRONWYN S. REVELL**  
**ASSISTANT TO JOHN L. WHARTON &**  
**FREDERICK L. ASCHAUER, JR.**

**ROSE, SUNDBSTROM & BENTLEY, LLP**  
Attorneys At Law  
2548 Blairstone Pines Drive T: 850.877.6555  
Tallahassee, Florida 32301 F: 850.656.4029  
[www.rsbatorneys.com](http://www.rsbatorneys.com)

**Dorothy Menasco**

090478-WS

**From:** Dorothy Menasco  
**Sent:** Wednesday, August 18, 2010 11:02 AM  
**To:** Caroline Klancke  
**Cc:** Charles Rehwinkel  
**Subject:** RE: Docket No. 090478 Parties of Record

**FPSC, CLK - CORRESPONDENCE**  
 \_\_\_Administrative\_\_\_  **Parties** \_\_\_Consumer\_\_\_  
**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

Thank you. We will make that change per this e-mail.

**From:** Caroline Klancke  
**Sent:** Wednesday, August 18, 2010 10:54 AM  
**To:** Dorothy Menasco  
**Cc:** Charles Rehwinkel  
**Subject:** RE: Docket No. 090478 Parties of Record

That is correct. Please ensure that this change is reflected in CMS. Thank you for your assistance with this matter.

**From:** Dorothy Menasco  
**Sent:** Wednesday, August 18, 2010 10:51 AM  
**To:** Caroline Klancke  
**Cc:** Charles Rehwinkel  
**Subject:** RE: Docket No. 090478 Parties of Record

Thank you, Caroline. Per our conversation, and for clarification, please confirm that we are leaving J.R. Kelly as-is, and replacing Stephen C. Reilly with Charles Rehwinkel. Upon your confirmation, we will make that update to CMS and will include Mr. Rehwinkel's e-mail address: [rehwinkel.charles@leg.state.fl.us](mailto:rehwinkel.charles@leg.state.fl.us)

*Dorothy Menasco*  
*Chief Deputy Commission Clerk*  
*Florida Public Service Commission*  
*Office of Commission Clerk*  
*850-413-6770*

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

**From:** Caroline Klancke  
**Sent:** Wednesday, August 18, 2010 10:43 AM  
**To:** Dorothy Menasco  
**Cc:** Charles Rehwinkel  
**Subject:** Docket No. 090478 Parties of Record

Pursuant to the request of the Office of Public Counsel (OPC), please include Charles Rehwinkel as the attorney of record representing OPC in Docket No. 090478. Moreover, please ensure that Mr. Rehwinkel is afforded any and all e-mail notifications via our Case Management System. If you have any questions, please let me know.

*Caroline M. Klancke*  
*Senior Attorney*  
*Economic Regulation Section*  
*Office of the General Counsel*  
*Florida Public Service Commission*  
*Phone: (850) 413-6220*  
*Fax: (850) 413-6221*  
*[cklancke@psc.state.fl.us](mailto:cklancke@psc.state.fl.us)*

8/18/2010

**Dorothy Menasco**

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, July 02, 2010 4:18 PM  
**To:** Geoffrey Kirk  
**Subject:** FW: RE: Electronic filing in Docket 090478-WS  
**Attachments:** NoticeServiceSurrebuttal-070210.pdf

**FPSC, CLK - CORRESPONDENCE**  
 \_\_\_Administrative\_\_\_  Parties \_\_\_Consumer\_\_\_  
**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

Mr. Kirk:

Per my earlier conversation with Pam, the attached testimony will be refiled by your office, with a cover letter to be included with one of the testimonies (in one PDF), and then all 2 testimonies being filed in the same e-mail. Please give me a call if you have any questions.

*Dorothy Menasco  
 Chief Deputy Commission Clerk  
 Florida Public Service Commission  
 Office of Commission Clerk  
 850-413-6770*

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

---

**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]

**Sent:** Friday, July 02, 2010 4:04 PM

**To:** Filings@psc.state.fl.us

**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Geoffrey Kirk

**Subject:** RE: RE: Electronic filing in Docket 090478-WS

Case No. 090478 - WS

In re Application of Skyline Utilities, LLC

Attached for filing is  
*Notice of Service of  
 Surrebuttal Testimony  
 by Hernando County,  
 Hernando County  
 Water and Sewer  
 District and Hernando  
 County Utility  
 Regulatory Authority*

<<NoticeServiceSurrebuttal-070210.pdf>>

7/2/2010

Respectfully  
submitted,

s/Geoffrey T. Kirk

Geoffrey T. Kirk, Esq.

Assistant County  
Attorney (FBN  
862616)

Hernando County

(352) 754-4122

Dorothy Menasco

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, July 02, 2010 4:18 PM  
**To:** Geoffrey Kirk  
**Subject:** FW: Electronic filing in Docket 090478-WS  
**Attachments:** Surrebuttal-JoeStapf-070210.pdf

**FPSC, CLK - CORRESPONDENCE**  
Administrative  Parties  Consumer  
**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

Mr. Kirk:

Per my earlier conversation with Pam, the attached testimony will be refiled by your office, with a cover letter to be included with one of the testimonies (in one PDF), and then all 2 testimonies being filed in the same e-mail. Please give me a call if you have any questions.

*Dorothy Menasco  
Chief Deputy Commission Clerk  
Florida Public Service Commission  
Office of Commission Clerk  
850-413-6770*

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---

**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]  
**Sent:** Friday, July 02, 2010 4:01 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski  
**Subject:** RE: Electronic filing in Docket 090478-WS

Case No.  
090478 - WS

In re  
Application  
of Skyline  
Utilities, LLC

Attached for  
filing is  
Hernando's  
*Surrebuttal  
Testimony of  
Joseph Stapf*

<<Surrebuttal-  
JoeStapf-  
070210.pdf>>

7/2/2010

Respectfully  
submitted,

s/Geoffrey  
T. Kirk

Geoffrey T.  
Kirk, Esq.

Assistant  
County  
Attorney  
(FBN  
862616)

Hernando  
County

(352) 754-  
4122

**Dorothy Menasco**

090478-WS

**FPSC, CLK - CORRESPONDENCE****Administrative Parties Consumer**

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, July 02, 2010 4:18 PM  
**To:** Geoffrey Kirk  
**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski  
**Subject:** FW: Electronic filing in Docket 090478-WS  
**Attachments:** Surrebuttal-RonPianta-070210.pdf

**DOCUMENT NO.** 11323-09**DISTRIBUTION:** \_\_\_\_\_

Mr. Kirk:

Per my earlier conversation with Pam, the attached testimony will be refiled by your office, with a cover letter to be included with one of the testimonies (in one PDF), and then all 2 testimonies being filed in the same e-mail. Please give me a call if you have any questions.

*Dorothy Menasco  
 Chief Deputy Commission Clerk  
 Florida Public Service Commission  
 Office of Commission Clerk  
 850-413-6770*

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

---

**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]  
**Sent:** Friday, July 02, 2010 3:58 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Geoffrey Kirk  
**Subject:** RE: Electronic filing in Docket 090478-WS

Case No. 090478 -  
WSIn re Application of  
Skyline Utilities, LLCAttached for filing is  
Hernando's  
*Surrebuttal  
 Testimony of Ronald  
 F. Pianta, AICP*<<Surrebuttal-RonPianta-  
070210.pdf>>

Respectfully

7/2/2010

submitted,

s/Geoffrey T. Kirk

Geoffrey T. Kirk, Esq.

Assistant County  
Attorney (FBN  
862616)

Hernando County

(352) 754-4122

Dorothy Menasco

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, July 02, 2010 3:24 PM  
**To:** 'barbaras@penningtonlaw.com'  
**Cc:** Ann Cole; Matilda Sanders  
**Subject:** FW: Docket Filing - Docket No. 090478-WS  
**Attachments:** surrebuttal kennedy.pdf

FPSC, CLK - CORRESPONDENCE  
 \_\_\_Administrative\_\_\_  Parties \_\_\_Consumer\_\_\_  
 DOCUMENT NO. 11323-09  
 DISTRIBUTION: \_\_\_\_\_

Ms. Sanders:

This e-mail serves as notification that the attached testimony has been filed with and accepted by the Clerk's Office via hard copy (DN 05462-10). Therefore, this duplicate electronic version is being returned to you.

Please also note that per the Commission's e-filing requirements, testimony is not eligible for electronic filing. A link to the PSC e-filing requirements is being provided for your convenience:

<http://www.psc.state.fl.us/dockets/e-filings/>

Please call our office if you have any questions.

*Dorothy Menasco*  
*Chief Deputy Commission Clerk*  
*Florida Public Service Commission*  
*Office of Commission Clerk*  
*850-413-6770*

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

---

**From:** Barbara G. Sanders [mailto:barbaras@penningtonlaw.com]  
**Sent:** Friday, July 02, 2010 2:35 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** REILLY.STEVE@leg.state.fl.us; derrill@hoganlawfirm.com; mminton@deanmead.com; jjouben@hernandocounty.us; freeves@tbaylaw.com; johnw@rsbattorneys.com; Caroline Klancke; jrichards@pascocountyfl.net; martyd@rsbattorneys.com; Sidney W. Kilgore; gkirk@co.hernando.fl.us; redwards@evansprop.com  
**Subject:** Docket Filing - Docket No. 090478-WS

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

- a. The name, address, telephone number and e-mail for the person responsible for the filing is:

William H. Hollimon  
 Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.  
 215 South Monroe Street, Second Floor (32301)  
 Post Office Box 10095  
 Tallahassee, Florida 32302  
 (850) 222-3533  
[bhollimon@penningtonlaw.com](mailto:bhollimon@penningtonlaw.com)

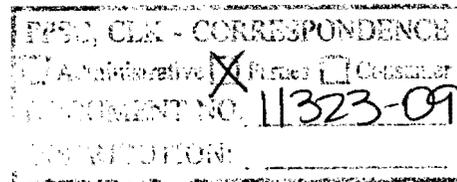
7/2/2010

- b. This filing is made in Docket No. 090478-WS, In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.
- c. The document is filed on behalf of Pasco County.
- d. There are a total number of 5 pages in the document.
- e. The attached document is Pasco County's Surrebuttal Testimony of Bruce E. Kennedy

William H. Hollimon  
Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.  
215 South Monroe Street, Second Floor (32301)  
Post Office Box 10095  
Tallahassee, Florida 32302  
(850) 222-3533  
[bhollimon@penningtonlaw.com](mailto:bhollimon@penningtonlaw.com)

**Ruth Nettles**

**From:** Ruth Nettles  
**Sent:** Tuesday, June 22, 2010 1:27 PM  
**To:** Caroline Klancke  
**Cc:** Lisa Bennett; Katie Ely  
**Subject:** RE: Skyland



Caroline:

This email will be appended to DN 11323-09; Parties and Interested Persons, of Docket 090478.

Thanks,

Ruth Nettles

---

**From:** Caroline Klancke  
**Sent:** Tuesday, June 22, 2010 1:22 PM  
**To:** Ruth Nettles; Katie Ely  
**Cc:** Lisa Bennett  
**Subject:** FW: Skyland

Please place this e-mail in the correspondence side (Parties and Interested Persons) of Docket No. 090478. Thank you.

---

**From:** Caroline Klancke  
**Sent:** Tuesday, June 22, 2010 1:20 PM  
**To:** 'John Wharton'  
**Cc:** 'Derrill McAteer'; 'Geoffrey Kirk'; 'Howard E. Adams'; 'Joseph Richards'; 'Michael Minton'; 'Ronald Edwards'; 'Sidney W. Kilgore'; 'Tony Isaacs'; 'William H. Hollimon'; Lisa Bennett; Jennifer Crawford  
**Subject:** RE: Skyland

Thank you for this clarification.

*Caroline M. Klancke*  
*Senior Attorney*  
*Economic Regulation Section*  
*Office of the General Counsel*  
*Florida Public Service Commission*  
*Phone: (850) 413-6220*  
*Fax: (850) 413-6221*  
*[cklancke@psc.state.fl.us](mailto:cklancke@psc.state.fl.us)*

---

**From:** John Wharton [mailto:[johnw@RSBattorneys.com](mailto:johnw@RSBattorneys.com)]  
**Sent:** Tuesday, June 22, 2010 1:02 PM  
**To:** Caroline Klancke  
**Subject:** Skyland

With regard to Skyland's pending request for confidentiality, please accept this email as clarification that we seek confidential treatment, now and at the hearing, rather than a protective order.

6/22/2010

Thank you.

John L. Wharton  
Rose, Sundstrom, & Bentley, LLP  
2548 Blainstone Pines Dr.  
Tallahassee, Fl. 32301  
(850) 877-6555 - telephone  
(850) 656-4029 - facsimile  
Legal Assistant : Bronwyn Revell

NOTICE: This e-mail message and any attachment to this e-mail message contains confidential information that is legally privileged. If you are not the intended recipient, you must not review, retransmit, convert to hard copy, copy, use or disseminate this e-mail or any attachments to it. If you have received this e-mail in error, please notify us immediately by return e-mail or by telephone at 888-877-6555 and delete the original and all copies of this transmission (including any attachments).

IRS CIRCULAR 230 NOTICE: Pursuant to Treasury Department Circular 230, this is to advise you unless we otherwise expressly state in writing, e-mail communications, including all attachments, from this firm are not intended or written to be used, and cannot be used, for the purpose of avoiding tax-related penalties. If you wish to engage this firm to provide formal written advice as to federal or state tax issues, please contact the sender.

Thank you.

**Marguerite McLean**

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, June 11, 2010 4:45 PM  
**To:** 'amy@hoganlawfirm.com'  
**Cc:** Dorothy Menasco; Diamond Williams  
**Subject:** FW: Notice of Service of The Response To Staffs First Set of Interrogatories To The City of Brooksville (NOS. 1-3)

FPSC, CLK - CORRESPONDENCE  
 Administrative Parties Consumer  
 DOCUMENT NO. 11323-09  
 DISTRIBUTION: \_\_\_\_\_

**Ms. Palmer,**

**We are in receipt of your transmittal letter notifying the Commission of an attachment to be e-filed with the Clerk's Office.**

**Unfortunately, the intended pleading is not attached.**

**Your document will need to be revised and resubmitted to be considered an official filing.**

**A link to the Commission's electronic filing requirement is being included for your convenience.**  
<http://www.floridapsc.com/dockets/e-filings/>

**Please call our office if you have any questions.**

**Marguerite H. McLean  
 Commission Deputy Clerk II  
 Office of Commission Clerk  
 850-413-6770**

---

**From:** Amy Palmer [mailto:amy@hoganlawfirm.com]  
**Sent:** Friday, June 11, 2010 3:45 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Notice of Service of The Response To Staffs First Set of Interrogatories To The City of Brooksville (NOS. 1-3)

Attached please find the Response To Staffs First Set of Interrogatories To The City of Brooksville (NOS. 1-3).

The Hogan Law Firm  
 20 S. Broad Street  
 Brooksville Fl. 34601  
 352-79-8423  
 Derrill L. McAteer, Esquire  
 Docket #090478-WS  
 City of Brooksville  
 2 pages

**Amy L. Palmer**


THE HOGAN LAW FIRM<sup>®</sup>

*We mean business<sup>™</sup>*

Post Office Box 485  
 Brooksville, Florida 34605  
 (352) 799-8423 Telephone

6/11/2010

(352) 799-8294 Facsimile  
[amy@hoganlawfirm.com](mailto:amy@hoganlawfirm.com)

NOTICE: This Email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, is confidential and may be privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error, then delete it. Thank you.

IRS Circular 230 Disclosure. To the extent this email contains federal tax advice, such advice was not intended to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

6/11/2010

---

090478 WS

**Dorothy Menasco**

---

**From:** Dorothy Menasco  
**Sent:** Friday, June 11, 2010 9:32 AM  
**To:** Caroline Klancke

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 11323-09		
DISTRIBUTION: _____		

Good morning, Caroline,

Per our earlier conversation, we have received a copy of Hernando County, HCWSD, and HCURA's notice of service of additional PODs, with attached PODs. The notice of service was e-filed with our office on 6/9/10 (DN 04783-10). Since the hard copy should have been mailed to you directly and not filed with the Clerk's Office, we are forwarding these documents to GCL. Give me a call if you have any questions.

*Dorothy Menasco  
Chief Deputy Commission Clerk  
Florida Public Service Commission  
Office of Commission Clerk  
850-413-6770*

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

6/11/2010

**Dorothy Menasco**

**From:** Filings@psc.state.fl.us  
**Sent:** Monday, June 07, 2010 4:35 PM  
**To:** Geoffrey Kirk  
**Cc:** Marguerite McLean  
**Subject:** FW: PSC 090478-WS / Skyland Utilities, LLC  
**Attachments:** Testimony-JoeStapf-043010.pdf

**FPSC, CLK - CORRESPONDENCE**  
Administrative  Parties  Consumer  
**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

Mr. Kirk:

Your questions and comments are very important to us. For future reference, please direct comments to [clerk@psc.state.fl.us](mailto:clerk@psc.state.fl.us). If you file attached documents to be placed in a specific docket file, you may file them at [filings@psc.state.fl.us](mailto:filings@psc.state.fl.us).

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

*Dorothy Menasco  
Chief Deputy Commission Clerk  
Florida Public Service Commission  
Office of Commission Clerk  
850-413-6770*

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

---

**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]  
**Sent:** Monday, June 07, 2010 8:31 AM  
**To:** Records Clerk; [Filings@psc.state.fl.us](mailto:Filings@psc.state.fl.us)  
**Subject:** PSC 090478-WS / Skyland Utilities, LLC

In re Application of Skyland Utilities, LLC

PSC Docket 090478-WS

PSC Clerk

Hernando County mailed the originals of its direct testimony (Joseph Stapf, Ronald Pianta and Paul Wiczorek, all dated April 30, 2010) when due and all were filed in the subject docket on May 3, 2010.

It appears that when scanning the direct testimony of Joseph Stapf, the first page of Ronald Pianta's testimony appears in lieu of the first page of Joseph Stapf's testimony. Can you please correct this error. THANKS!

s/Jeff

Jeff Kirk  
6/7/2010

Assistant County Attorney

Hernando County

352/754-4122

<<Testimony-JoeStapf-043010.pdf>>

**Dorothy Menasco**

**From:** Dorothy Menasco  
**Sent:** Monday, June 07, 2010 4:32 PM  
**To:** Geoffrey Kirk  
**Cc:** Matilda Sanders  
**Subject:** FW: PSC 090478-WS / Skyland Utilities, LLC  
**Attachments:** Testimony-JoeStapf-043010.pdf

**FPSC, CLK - CORRESPONDENCE**  
Administrative  Parties  Consumer  
**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

Mr. Kirk:

Thank you for bringing this matter to our attention. Joseph Stapf's testimony (DN 03633-10) has been corrected to reflect the first page of Joseph Stapf's testimony rather than the first page of Ronald Pianta's testimony. The document is available for viewing on the PSC website at the following link:

<http://www.floridapsc.com/dockets/cms/docketFilings2.aspx?docket=090478>

Please give our office a call if you have any questions.

*Dorothy Menasco  
Chief Deputy Commission Clerk  
Florida Public Service Commission  
Office of Commission Clerk  
850-413-6770*

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---

**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]  
**Sent:** Monday, June 07, 2010 8:31 AM  
**To:** Records Clerk; Filings@psc.state.fl.us  
**Subject:** PSC 090478-WS / Skyland Utilities, LLC

In re Application of Skyland Utilities, LLC

PSC Docket 090478-WS

PSC Clerk

Hernando County mailed the originals of its direct testimony (Joseph Stapf, Ronald Pianta and Paul Wiczorek, all dated April 30, 2010) when due and all were filed in the subject docket on May 3, 2010.

It appears that when scanning the direct testimony of Joseph Stapf, the first page of Ronald Pianta's testimony appears in lieu of the first page of Joseph Stapf's testimony. Can you please correct this error. THANKS!

s/Jeff

6/7/2010

Jeff Kirk

Assistant County Attorney

Hernando County

352/754-4122

<<Testimony-JoeStapf-043010.pdf>>

**Marguerite McLean**

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Monday, May 24, 2010 4:28 PM  
**To:** 'barbaras@penningtonlaw.com'  
**Subject:** FW: Docket No. 090478-WS filing  
**Attachments:** Pasco's Ans2Staff's ROGs.pdf

FPSC, CLK ✓ CORRESPONDENCE  
 Administrative ✓ Parties Consumer  
 DOCUMENT NO. 11323-09  
 DISTRIBUTION: \_\_\_\_\_

**Ms. Sanders:**

Please note that your document has not been accepted for filing. A link to the Commission's e-filing requirements is included for your convenience: <http://www.psc.state.fl.us/dockets/e-filings/>

thank you,

**Marguerite H. McLean**


---

**From:** Filings@psc.state.fl.us  
**Sent:** Monday, May 24, 2010 4:19 PM  
**To:** 'barbaras@penningtonlaw.com'  
**Subject:** FW: Docket No. 090478-WS filing

**Ms. Sanders:**

We are in receipt of the attached response to staff's 1st set of interrogatories to Pasco County (Nos. 1-5). Please be advised that discovery should not be filed with the Office of the Commission Clerk. It should be sent directly to the PSC attorney. We require only a notice of service or a letter advising of service of the discovery, for the docket file.

For further information on what documents are eligible for e-filing, please see e-filing requirements on the PSC website: <http://www.floridapsc.com/dockets/e-filings/>

Please call our office if you have any questions.

Marguerite H. McLean  
 Florida Public Service Commission  
 Office of Commission Clerk  
 850-413-6770

---

**From:** Barbara G. Sanders [mailto:barbaras@penningtonlaw.com]  
**Sent:** Monday, May 24, 2010 3:10 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 090478-WS filing

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

- a. The name, address, telephone number and email for the person responsible for the filing is:

5/24/2010

William H. Hollimon  
Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.  
215 South Monroe Street, Second Floor (32301)  
Post Office Box 10095  
Tallahassee, Florida 32302  
(850) 222-3533  
[bhollimon@penningtonlaw.com](mailto:bhollimon@penningtonlaw.com)

- b. This filing is made in Docket No. 090478-WS, In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.
- c. The document is filed on behalf of Pasco County.
- d. The total pages in the document are 9 pages.
- e. The attached document is Pasco County's Response to Staff's First Set of Interrogatories to Pasco County (Nos. 1-5)

Barbara G. Sanders, Assistant to  
William H. Hollimon, Esquire  
Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.  
215 South Monroe Street, Second Floor (32301)  
Post Office Box 10095  
Tallahassee, Florida 32302-2095  
Telephone: 850.222-3533  
Facsimile: 850.222-2126

**Marguerite McLean**

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Monday, May 24, 2010 4:27 PM  
**To:** 'barbaras@penningtonlaw.com'  
**Subject:** FW: Docket No. 090478-WS filing  
**Attachments:** Pasco's Resp2Staffs POD.pdf

FPSC, CLK - CORRESPONDENCE  
 Administrative Parties Consumer  
 DOCUMENT NO. 11323-09  
 DISTRIBUTION: \_\_\_\_\_

**Ms. Sanders:**

Please note that your document has not been accepted for filing. A link to the Commission's e-filing requirements is included for your convenience: <http://www.psc.state.fl.us/dockets/e-filings/>

thank you,

**Marguerite H. McLean**


---

**From:** Filings@psc.state.fl.us  
**Sent:** Monday, May 24, 2010 4:23 PM  
**To:** 'barbaras@penningtonlaw.com'  
**Subject:** FW: Docket No. 090478-WS filing

**Ms. Sanders:**

We are in receipt of the attached response to staff's 1st request for production of documents. Please be advised that discovery should not be filed with the Office of the Commission Clerk. It should be sent directly to the PSC attorney. We require only a notice of service or a letter advising of service of the discovery, for the docket file.

For further information on what documents are eligible for e-filing, please see e-filing requirements on the PSC website: <http://www.floridapsc.com/dockets/e-filings/>

Please call our office if you have any questions.

Marguerite H. McLean  
 Florida Public Service Commission  
 Office of Commission Clerk  
 850-413-6770

---

**From:** Barbara G. Sanders [mailto:barbaras@penningtonlaw.com]  
**Sent:** Monday, May 24, 2010 3:08 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 090478-WS filing

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

- a. The name, address, telephone number and email for the person responsible for the filing is:

5/24/2010

William H. Hollimon  
Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.  
215 South Monroe Street, Second Floor (32301)  
Post Office Box 10095  
Tallahassee, Florida 32302  
(850) 222-3533  
[bhollimon@penningtonlaw.com](mailto:bhollimon@penningtonlaw.com)

- b. This filing is made in Docket No. 090478-WS, In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.
- c. The document is filed on behalf of Pasco County.
- d. The total pages in the document are 2 pages.
- e. The attached document is Pasco County's Response to Staff's First Request for Production of Documents

Barbara G. Sanders, Assistant to  
William H. Hollimon, Esquire  
Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.  
215 South Monroe Street, Second Floor (32301)  
Post Office Box 10095  
Tallahassee, Florida 32302-2095  
Telephone: 850.222-3533  
Facsimile: 850.222-2126

FPSC, CLK - CORRESPONDENCE

Administrative  Parties  Consumer

Dorothy Menasco

090478

DOCUMENT NO: 11323-09

DISTRIBUTION: \_\_\_\_\_

**From:** Dorothy Menasco  
**Sent:** Tuesday, May 11, 2010 3:49 PM  
**To:** 'Derrill@hoganlawfirm.com'  
**Cc:** Caroline Klancke; Dean Mead; Geoffrey Kirk; Howard E. Adams; John Wharton; Joseph Richards; Marty Deterding; Sidney W. Kilgore; Tony Isaacs; William H. Hollimon  
**Subject:** FW: Filing Discovery Responses in Dkt. No. 090478 BROOKSVILLE  
**Attachments:** Notice of Filing The City of Brooksvilles Answers to (00208926).DOC; CITY OF BROOKSVILLE REQUEST FOR PRODUCTION OF DOCS (00194013).DOC

Mr. McAteer:

This e-mail will also be placed in correspondence without further action.

Per the instructions in the e-mail I sent earlier today, your filing will need to be revised and resubmitted to the appropriate e-mail address in order to be considered an official filing.

Please call our office if you have any questions regarding the filing process.

*Dorothy Menasco  
 Chief Deputy Commission Clerk  
 Florida Public Service Commission  
 Office of Commission Clerk  
 850-413-6770*

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

---

**From:** Derrill McAteer [mailto:Derrill@hoganlawfirm.com]  
**Sent:** Tuesday, May 11, 2010 2:22 PM  
**To:** Caroline Klancke; Dean Mead; Geoffrey Kirk; Howard E. Adams; John Wharton; Joseph Richards; Marty Deterding; Sidney W. Kilgore; Tony Isaacs; William H. Hollimon  
**Cc:** Dorothy Menasco; Theresa Walsh; Shalonda Hopkins  
**Subject:** RE: Filing Discovery Responses in Dkt. No. 090478 BROOKSVILLE

Attached please find Brooksville's Notice of Filing of Responses to Skyland's RFP's and the City of Brooksville's Responses to RFP's. As for the scanned documents, we will direct mail them to Mr. Wharton and e-distribute them as time and capacity allows.

Sincerely,

Derrill McAteer

---

**From:** Caroline Klancke [mailto:CKLANCKE@PSC.STATE.FL.US]  
**Sent:** Wednesday, May 05, 2010 3:25 PM  
**To:** Dean Mead; Derrill McAteer; Geoffrey Kirk; Howard E. Adams; John Wharton; Joseph Richards; Marty Deterding; Sidney W. Kilgore; Tony Isaacs; William H. Hollimon  
**Cc:** Dorothy Menasco; Theresa Walsh; Shalonda Hopkins  
**Subject:** Filing Discovery Responses in Dkt. No. 090478

Due to some recent confusion regarding filing procedures, I believe that a clarifying e-mail to the parties is

5/11/2010

necessary to coordinate the submission of discovery responses on a going forward basis. In particular, it should be noted that the process for filing discovery responses in this docket are three fold.

First, a notice or certificate of service of responses must be filed with the Office of Commission Clerk on the requisite date (note that this is only the certificate and not the entire response). This may be done electronically at [filings@psc.state.fl.us](mailto:filings@psc.state.fl.us); by hand delivery to the Betty Easley Bldg, Rm 110; or by U.S. mail.

Second, pursuant to the requirements of the Order Establishing Procedure, the entire response should be provided via electronic mail to all parties including myself at [cklancke@psc.state.fl.us](mailto:cklancke@psc.state.fl.us).

Finally, one full hard copy of the discovery response should be provided to the Commission to the attention of Caroline Klancke, Office of the General Counsel, 2540 Shumard Oak Blvd, Tallahassee FL 32399-0850. These policies apply to all discovery responses regardless of the identity of the party who propounded the discovery.

Please note that ***the above-referenced policies are only applicable to discovery***. All other pleadings or filings must be provided to the Office of Commission Clerk. If there are any questions, please do not hesitate to contact me at 850-413-6220.

Dorothy Menasco

090478

FPSC, CLK - CORRESPONDENCE

Administrative  Parties  Consumer

**From:** Dorothy Menasco  
**Sent:** Tuesday, May 11, 2010 3:46 PM  
**To:** 'Derrill@hoganlawfirm.com'  
**Cc:** Caroline Klancke; Dean Mead; Geoffrey Kirk; Howard E. Adams; John Wharton; Joseph Richards; Marty Deterding; Sidney W. Kilgore; Tony Isaacs; William H. Hollimon  
**Subject:** FW: Filing Discovery Responses in Dkt. No. 090478 BROOKSVILLE  
**Attachments:** Notice of Filing The City of Brooksvilles Answers to (00208926).DOC

DOCUMENT NO. 11323 09

DISTRIBUTION: \_\_\_\_\_

Mr. McAteer:

This e-mail will be placed in correspondence without further action.

The Commission accepts documents for filing by electronic transmission ("electronic filing" or "e-filing") provided the following requirements are met. Documents that fail to meet these requirements will not be accepted for electronic filing.

### Manner of Electronic Transmission

- Filings submitted by electronic transmission must be attached to an e-mail sent to [filings@psc.state.fl.us](mailto:filings@psc.state.fl.us). Documents sent to any other Commission e-mail address will not be considered filed.

A link to the Commission's electronic filing requirements is being included for your convenience.

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 850-413-6770*

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---

**From:** Derrill McAteer [mailto:Derrill@hoganlawfirm.com]  
**Sent:** Tuesday, May 11, 2010 2:29 PM  
**To:** Derrill McAteer; Caroline Klancke; Dean Mead; Geoffrey Kirk; Howard E. Adams; John Wharton; Joseph Richards; Marty Deterding; Sidney W. Kilgore; Tony Isaacs; William H. Hollimon  
**Cc:** Dorothy Menasco; Theresa Walsh; Shalonda Hopkins  
**Subject:** RE: Filing Discovery Responses in Dkt. No. 090478 BROOKSVILLE

Please find a corrected version of the attached. The original transmittal included a scrivener's error.

---

**From:** Derrill McAteer  
 5/11/2010

**Sent:** Tuesday, May 11, 2010 2:22 PM

**To:** 'Caroline Klancke'; Dean Mead; Geoffrey Kirk; Howard E. Adams; John Wharton; Joseph Richards; Marty Deterding; Sidney W. Kilgore; Tony Isaacs; William H. Hollimon

**Cc:** Dorothy Menasco; Theresa Walsh; Shalonda Hopkins

**Subject:** RE: Filing Discovery Responses in Dkt. No. 090478 BROOKSVILLE

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Sincerely,

Derrill McAteer

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**From:** Caroline Klancke [mailto:CKLANCKE@PSC.STATE.FL.US]

**Sent:** Wednesday, May 05, 2010 3:25 PM

**To:** Dean Mead; Derrill McAteer; Geoffrey Kirk; Howard E. Adams; John Wharton; Joseph Richards; Marty Deterding; Sidney W. Kilgore; Tony Isaacs; William H. Hollimon

**Cc:** Dorothy Menasco; Theresa Walsh; Shalonda Hopkins

**Subject:** Filing Discovery Responses in Dkt. No. 090478

Due to some recent confusion regarding filing procedures, I believe that a clarifying e-mail to the parties is necessary to coordinate the submission of discovery responses on a going forward basis. In particular, it should be noted that the process for filing discovery responses in this docket are three fold.

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5/11/2010

**Dorothy Menasco**

090478

**From:** Dorothy Menasco  
**Sent:** Wednesday, May 05, 2010 3:35 PM  
**To:** Caroline Klancke  
**Cc:** Shalonda Hopkins; Kimberley Pena  
**Subject:** RE: 090478 Parties

**FPSC, CLK - CORRESPONDENCE**  
 \_\_\_Administrative\_\_\_/\_\_\_Parties\_\_\_/\_\_\_Consumer\_\_\_  
**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

Thank you for bringing that to our attention. Darrill has been changed to Derrill. This e-mail will be placed in parties correspondence for historical purposes.

*Dorothy Menasco  
 Chief Deputy Commission Clerk  
 Florida Public Service Commission  
 Office of Commission Clerk  
 850-413-6770*

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**From:** Caroline Klancke  
**Sent:** Wednesday, May 05, 2010 3:04 PM  
**To:** Dorothy Menasco; Kimberley Pena  
**Cc:** Shalonda Hopkins  
**Subject:** 090478 Parties

The parties tab of CMS in Dkt. No. 090478 specifies that the City of Brooksville is represented by Darrill Lee McAteer, however it should be Derrill Lee McAteer. All of the other information is correct. Please ensure that this information is correct when you have a moment. Thank you.

5/5/2010

**Dorothy Menasco**

---

**From:** Caroline Klancke  
**Sent:** Wednesday, May 05, 2010 3:25 PM  
**To:** 'Dean Mead'; 'Derrill McAteer'; 'Geoffrey Kirk'; 'Howard E. Adams'; 'John Wharton'; 'Joseph Richards'; 'Marty Deterding'; 'Sidney W. Kilgore'; 'Tony Isaacs'; 'William H. Hollimon'  
**Cc:** Dorothy Menasco; Theresa Walsh; Shalonda Hopkins  
**Subject:** Filing Discovery Responses in Dkt. No. 090478

Due to some recent confusion regarding filing procedures, I believe that a clarifying e-mail to the parties is necessary to coordinate the submission of discovery responses on a going forward basis. In particular, it should be noted that the process for filing discovery responses in this docket are three fold.

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**FPSC, CLK - CORRESPONDENCE**  
 \_\_\_ Administrative  Parties \_\_\_ Consumer  
 DOCUMENT NO. 11323-09  
 DISTRIBUTION: \_\_\_\_\_

**Dorothy Menasco**

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, April 30, 2010 5:27 PM  
**To:** 'Geoffrey Kirk'  
**Subject:** RE: Electronic filing in Case No. 090478-WS

**FPSC, CLK - CORRESPONDENCE**  
 \_\_\_Administrative\_\_\_  **Parties** \_\_\_Consumer\_\_\_  
**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

Mr. Kirk:

Ordinary copy paper will not be rejected. Thank you for checking though!

*Dorothy Menasco*  
*Chief Deputy Commission Clerk*  
*Florida Public Service Commission*  
*Office of Commission Clerk*  
 850-413-6770

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

 *Please consider the environment before printing this e-mail*

---

**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]  
**Sent:** Friday, April 30, 2010 5:15 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** RE: Electronic filing in Case No. 090478-WS

Dorothy,

I am heading to Fed Ex with originals and 15 copies of all filings. 8 1/2 x 11 paper, double spaced, 1.25" left margins and 25 lines per page. We are a County government and made the copies with the white copy paper that we use for filings, pleadings and general correspondence. Will ordinary paper be rejected?

Jeff Kirk

---

**From:** Filings@psc.state.fl.us [mailto:Filings@PSC.STATE.FL.US]  
**Sent:** Friday, April 30, 2010 5:12 PM  
**To:** Geoffrey Kirk  
**Subject:** FW: Electronic filing in Case No. 090478-WS

Mr. Kirk:

You clarified in an e-mail that we received at you would be sending the original testimony and 15 copies on Monday via Fed Ex. This e-mail is simply to document our response to your e-filing below.

We are in receipt of your attached document. Please note that per the Commission's e-filing requirements, testimony is not eligible for electronic filing.

A link to the Commission's e-filing requirements is included for your convenience:

4/30/2010

<http://www.psc.state.fl.us/dockets/e-filings/>

Your filing must be filed in hard copy with our office in order to be accepted for filing. Please call our office if you have any questions.

*Dorothy Menasco  
Chief Deputy Commission Clerk  
Florida Public Service Commission  
Office of Commission Clerk  
850-413-6770*

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 *Please consider the environment before printing this e-mail*

---

**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]  
**Sent:** Friday, April 30, 2010 4:56 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Geoffrey Kirk  
**Subject:** RE: Electronic filing in Case No. 090478-WS

Case No. 090478 - WS

In re Application of Skyline Utilities, LLC

Attached for filing is Hernando County's Direct Testimony of Paul K. Wieczorek

15 copies will be delivered to the PSC prior to 5 P.M. Monday, May 3, 2010.

<<Testimony-PaulWieczorek-043010.pdf>>

Respectfully submitted,

s/Geoffrey T. Kirk

Geoffrey T. Kirk, Esq.

Assistant County Attorney

Hernando County

(352) 754-4122

4/30/2010

**Dorothy Menasco**

090478

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, April 30, 2010 5:12 PM  
**To:** 'gkirk@co.hernando.fl.us'  
**Subject:** FW: Electronic filing in Case No. 090478-WS  
**Attachments:** Testimony-PaulWieczorek-043010.pdf

FPSC, CLK - CORRESPONDENCE  
 \_\_\_Administrative\_\_\_  Parties \_\_\_Consumer\_\_\_  
 DOCUMENT NO. 11323-09  
 DISTRIBUTION: \_\_\_\_\_

Mr. Kirk:

You clarified in an e-mail that we received at you would be sending the original testimony and 15 copies on Monday via Fed Ex. This e-mail is simply to document our response to your e-filing below.

We are in receipt of your attached document. Please note that per the Commission's e-filing requirements, testimony is not eligible for electronic filing.

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Your filing must be filed in hard copy with our office in order to be accepted for filing. Please call our office if you have any questions.

*Dorothy Menasco*  
 Chief Deputy Commission Clerk  
 Florida Public Service Commission  
 Office of Commission Clerk  
 850-413-6770

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**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]  
**Sent:** Friday, April 30, 2010 4:56 PM  
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**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Geoffrey Kirk  
**Subject:** RE: Electronic filing in Case No. 090478-WS

Case No. 090478 - WS

In re Application of Skyline Utilities, LLC

Attached for filing is Hernando County's Direct Testimony of Paul K. Wieczorek

4/30/2010

15 copies will be delivered to the PSC prior to 5 P.M. Monday,  
May 3, 2010.

<<Testimony-PaulWieczorek-043010.pdf>>

Respectfully submitted,

s/Geoffrey T. Kirk

Geoffrey T. Kirk, Esq.

Assistant County Attorney

Hernando County

(352) 754-4122

**Dorothy Menasco****FPSC, CLK - CORRESPONDENCE****Administrative**  **Parties**  **Consumer** **From:** Filings@psc.state.fl.us**DOCUMENT NO.** 11323-09**Sent:** Friday, April 30, 2010 5:05 PM**DISTRIBUTION:** \_\_\_\_\_**To:** 'Geoffrey Kirk'; Filings@psc.state.fl.us**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Ann Cole**Subject:** RE: Electronic filing in Case No. 090478-WS

Thank you for the follow-up, Mr. Kirk. We will be on the lookout for the original and 15 copies on Monday! You have a great weekend too.

*Dorothy Menasco**Chief Deputy Commission Clerk**Florida Public Service Commission**Office of Commission Clerk**850-413-6770*

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*Please consider the environment before printing this e-mail*

**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]**Sent:** Friday, April 30, 2010 4:59 PM**To:** Filings@psc.state.fl.us**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Ann Cole**Subject:** RE: Electronic filing in Case No. 090478-WS

Thank you. I am sending out today all of the originals plus 15 copies via Fed Ex for Monday delivery. I will also be filing a Notice of Filing on Monday.

Sorry for any confusion, have a great weekend!

Jeff Kirk

**From:** Filings@psc.state.fl.us [mailto:Filings@PSC.STATE.FL.US]**Sent:** Friday, April 30, 2010 4:57 PM**To:** Geoffrey Kirk**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Ann Cole**Subject:** FW: Electronic filing in Case No. 090478-WS

Mr. Kirk:

We are in receipt of your attached document. Please note that per the Commission's e-filing requirements, **testimony is not eligible for electronic filing.**

**Documents Not Eligible for Electronic Filing**

4/30/2010

**Dorothy Menasco****FPSC, CLK - CORRESPONDENCE****Administrative**  **Parties**  **Consumer** 

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, April 30, 2010 5:05 PM  
**To:** 'Geoffrey Kirk'; Filings@psc.state.fl.us  
**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Ann Cole  
**Subject:** RE: Electronic filing in Case No. 090478-WS

**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

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**To:** Filings@psc.state.fl.us  
**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Ann Cole  
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**Documents Not Eligible for Electronic Filing**

4/30/2010

- Minimum filing requirements (MFRs)
- Prefiled testimony
- Tariffs<sup>1</sup>
- Documents containing confidential information
- Documents that must be accompanied by a filing fee or other payment
- Documents over 100 pages
- Documents over 8.5 by 11 inches in size
- Any other documents identified in the Order Establishing Procedure for a particular docket as being ineligible for filing electronically in that docket
- Corrupt documents
- Documents containing a virus or attached to an e-mail containing a virus

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Florida Public Service Commission  
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**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]  
**Sent:** Friday, April 30, 2010 4:49 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Geoffrey Kirk  
**Subject:** RE: Electronic filing in Case No. 090478-WS

Case No. 090478 - WS

In re Application of Skyline Utilities, LLC

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Monday, May 3, 2010.

<<Testimony-JoeStapf-043010.pdf>>

4/30/2010

Respectfully submitted,

s/Geoffrey T. Kirk

Geoffrey T. Kirk, Esq.

Assistant County Attorney

Hernando County

(352) 754-4122

**Dorothy Menasco**

FPSC, CLK - CORRESPONDENCE

Administrative  Parties Consumer**From:** Geoffrey Kirk [gkirk@co.hernando.fl.us]DOCUMENT NO. 11323-09**Sent:** Friday, April 30, 2010 4:59 PM

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- Tariffs<sup>1</sup>
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*Chief Deputy Commission Clerk*

*Florida Public Service Commission*

4/30/2010

*Office of Commission Clerk*  
850-413-6770

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**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Geoffrey Kirk  
**Subject:** RE: Electronic filing in Case No. 090478-WS

Case No. 090478 - WS

In re Application of Skyline Utilities, LLC

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Respectfully submitted,

s/Geoffrey T. Kirk

Geoffrey T. Kirk, Esq.

Assistant County Attorney

Hernando County

(352) 754-4122

4/30/2010

**Dorothy Menasco****FPSC, CLK - CORRESPONDENCE**Administrative  Parties  Consumer **DOCUMENT NO.** 11323-09**DISTRIBUTION:** \_\_\_\_\_

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, April 30, 2010 4:57 PM  
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**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Ann Cole  
**Subject:** FW: Electronic filing in Case No. 090478-WS  
**Attachments:** Testimony-JoeStapf-043010.pdf

Mr. Kirk:

We are in receipt of your attached document. Please note that per the Commission's e-filing requirements, **testimony is not eligible for electronic filing.**

#### **Documents Not Eligible for Electronic Filing**

- Minimum filing requirements (MFRs)
- Prefiled testimony
- Tariffs<sup>1</sup>
- Documents containing confidential information
- Documents that must be accompanied by a filing fee or other payment
- Documents over 100 pages
- Documents over 8.5 by 11 inches in size
- Any other documents identified in the Order Establishing Procedure for a particular docket as being ineligible for filing electronically in that docket
- Corrupt documents
- Documents containing a virus or attached to an e-mail containing a virus

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 must be filed in hard copy with our office in order to be accepted for filing. Please call our office if you have any questions.

*Dorothy Menasco  
Chief Deputy Commission Clerk  
Florida Public Service Commission  
Office of Commission Clerk  
850-413-6770*

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

 Please consider the environment before printing this e-mail

---

**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]  
**Sent:** Friday, April 30, 2010 4:49 PM  
**To:** Filings@psc.state.fl.us

4/30/2010

**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Geoffrey Kirk

**Subject:** RE: Electronic filing in Case No. 090478-WS

Case No. 090478 - WS

In re Application of Skyline Utilities, LLC

Attached for filing is Hernando County's Direct Testimony of Joseph Stapf

15 copies will be delivered to the PSC prior to 5 P.M. Monday, May 3, 2010.

<<Testimony-JoeStapf-043010.pdf>>

Respectfully submitted,

s/Geoffrey T. Kirk

Geoffrey T. Kirk, Esq.

Assistant County Attorney

Hernando County

(352) 754-4122

4/30/2010

FPSC, CLK - CORRESPONDENCE

Administrative  Parties  Consumer DOCUMENT NO. 11323-09

DISTRIBUTION: \_\_\_\_\_

**Dorothy Menasco**

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, April 30, 2010 4:04 PM  
**To:** 'gkirk@co.hernando.fl.us'  
**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Ann Cole  
**Subject:** FW: Electronic filing in Case No. 090478-WS  
**Attachments:** Direct-Test\_RonPianta-43010-004.pdf

Mr. Kirk:

We are in receipt of your attached document. Please note that per the Commission's e-filing requirements, testimony is not eligible for electronic filing.

### Documents Not Eligible for Electronic Filing

- Minimum filing requirements (MFRs)
- Prefiled testimony
- Tariffs<sup>1</sup>
- Documents containing confidential information
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*Dorothy Menasco*  
*Chief Deputy Commission Clerk*  
*Florida Public Service Commission*  
*Office of Commission Clerk*  
*850-413-6770*

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 Please consider the environment before printing this e-mail

---

**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]  
**Sent:** Friday, April 30, 2010 11:51 AM  
**To:** Filings@psc.state.fl.us

4/30/2010

**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Geoffrey Kirk

**Subject:** RE: Electronic filing in Case No. 090478-WS

Case No. 090478 - WS

In re Application of Skyline Utilities, LLC

Attached for filing is Hernando County's Direct Testimony of Ronald F. Pianta, AICP

15 copies will be delivered to the PSC prior to 5 P.M. Monday, May 3, 2010.

<<Direct-Test\_RonPianta-43010-004.pdf>>

Respectfully submitted,

s/Geoffrey T. Kirk

Geoffrey T. Kirk, Esq.

Assistant County Attorney

Hernando County

(352) 754-4122

**Dorothy Menasco**

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Friday, April 30, 2010 4:04 PM  
**To:** 'gkirk@co.hernando.fl.us'  
**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Ann Cole  
**Subject:** FW: Electronic filing in Case No. 090478-WS  
**Attachments:** Direct-Test\_RonPianta-43010-004.pdf

Mr. Kirk:

We are in receipt of your attached document. Please note that per the Commission's e-filing requirements, testimony is not eligible for electronic filing.

#### Documents Not Eligible for Electronic Filing

- Minimum filing requirements (MFRs)
- Prefiled testimony
- Tariffs<sup>1</sup>
- Documents containing confidential information
- Documents that must be accompanied by a filing fee or other payment
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- Corrupt documents
- Documents containing a virus or attached to an e-mail containing a virus

**FPSC, CLK - CORRESPONDENCE**  
 \_\_\_ Administrative  Parties \_\_\_ Consumer  
**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

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<http://www.psc.state.fl.us/dockets/e-filings/>

Your filing must be filed in hard copy with our office in order to be accepted for filing. Please call our office if you have any questions.

*Dorothy Menasco*  
 Chief Deputy Commission Clerk  
 Florida Public Service Commission  
 Office of Commission Clerk  
 850-413-6770

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 Please consider the environment before printing this e-mail

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**From:** Geoffrey Kirk [mailto:gkirk@co.hernando.fl.us]  
**Sent:** Friday, April 30, 2010 11:51 AM  
**To:** Filings@psc.state.fl.us

4/30/2010

**Cc:** Caroline Klancke; Dean Mead; Derrill McAteer; John Wharton; Joseph Richards; Marty Deterding; Jon Jouben; Bill H. Hollimon; Sidney W. Kilgore; Linda Strumski; Geoffrey Kirk

**Subject:** RE: Electronic filing in Case No. 090478-WS

Case No. 090478 - WS

In re Application of Skyline Utilities, LLC

Attached for filing is Hernando County's Direct Testimony of Ronald F. Pianta, AICP

15 copies will be delivered to the PSC prior to 5 P.M. Monday, May 3, 2010.

<<Direct-Test\_RonPianta-43010-004.pdf>>

Respectfully submitted,

s/Geoffrey T. Kirk

Geoffrey T. Kirk, Esq.

Assistant County Attorney

Hernando County

(352) 754-4122

**Marguerite McLean**

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Thursday, April 08, 2010 1:18 PM  
**To:** 'Derrill@hoganlawfirm.com'  
**Subject:** FW: Filing in 090478-WS Brooksville's Responses to SkyLand's Interrogatories  
**Attachments:** Notice of Service of The City of Brooksvilles Answers to (00203461).PDF

~~FPSC, CLK CORRESPONDENCE~~  
~~Administrative Parties Consumer~~  
DOCUMENT NO. 11323-09  
DISTRIBUTION: \_\_\_\_\_

**Mr. McAteer:**

**We are in receipt of the attached interrogatories and notice of service of same. Please be advised that discovery should not be filed with the Office of the Commission Clerk. It should be sent directly to the PSC attorney. We require only a notice of service or a letter advising of service of the discovery, for the docket file.**

**We will be placing the notice of service of the interrogatories in the docket file for Docket 090478-WS. For your convenience, we will forward the interrogatories to the appropriate staff member(s) and/or attorney(s) in the docket.**

**For further information on what documents are eligible for e-filing, please see e-filing requirements on the PSC website: <http://www.floridapsc.com/dockets/e-filings/>**

**Please call our office if you have any questions.**

**Marguerite H. McLean  
Florida Public Service Commission  
Office of Commission Clerk  
850-413-6770**

---

**From:** Derrill McAteer [mailto:Derrill@hoganlawfirm.com]  
**Sent:** Wednesday, April 07, 2010 5:15 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** John Wharton; Amy Palmer  
**Subject:** Filing in 090478-WS Brooksville's Responses to SkyLand's Interrogatories

The attached is filed in matter 090478-WS:

Filed By: Derrill L. McAteer, Esq.

The Hogan Law Firm  
20 South Broad Street  
Brooksville, FL 34601  
[derrill@hoganlawfirm.com](mailto:derrill@hoganlawfirm.com)

Filed on behalf of the City of Brooksville.

9 pages consisting of a Notice of Service and Brooksville's Responses to SkyLand's Interrogatories.

4/8/2010

**Ann Cole**

090478-WS

**From:** Ann Cole  
**Sent:** Friday, February 19, 2010 11:07 AM  
**To:** Andrew Lutostanski  
**Cc:** Commissioners Advisors; Administrative Assistants - Commission Suite  
**Subject:** FW: Add to Docket 090478  
**Attachments:** Memo.re.Docket 090478.pdf

Thank you for this information. As instructed, this attachment has been printed and will be placed in *Correspondence - Parties and Interested Persons*, in Docket No. 090478-WS.

**From:** Andrew Lutostanski  
**Sent:** Friday, February 19, 2010 10:30 AM  
**To:** Ann Cole  
**Cc:** Steve Larson  
**Subject:** Add to Docket 090478

FPSC, CLK - CORRESPONDENCE  
Administrative  Parties Consumer  
DOCUMENT NO. 11323-09  
DISTRIBUTION: \_\_\_\_\_

Please add the attached document to docket correspondence, parties and interested persons, for docket 090478.

**From:** Carolyn Cannon  
**Sent:** Friday, February 19, 2010 10:27 AM  
**To:** Andrew Lutostanski  
**Subject:** Memo Ref: Docket 090478

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

---

**DATE:** February 19, 2010  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Steve Larson, Assistant to Chairman Argenziano *Steve Larson*  
**RE:** Communication in Docket 090478

---

On February 18, 2010, Commissioner Argenziano's office received a phone call from Pat Carver, who identified herself as a public citizen opposed to approval of the application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, filed by Skyland Utilities, LLC, in Docket No. 090478.

Following up with the Ms. Carver's concern on February, 19, 2010, there was a brief relay of some of the content of the staff recommendation, which Ms. Carver was having difficulty locating on the Commission's website. It also came to light that Ms. Carver was associated with an interested party in the above-referenced docket, specifically CoPoWR.

No substantive information was conveyed in the conversation with Ms. Carver beyond repeating a few parts of the staff recommendation. No substantive information was conveyed to Commissioner Argenziano; she was only told that a concerned citizen, Pat Carver, had called with concerns about Skyland Utilities, LLC's application.

The matter was promptly forwarded to Caroline Klanke, a staff attorney on the case, to properly address Ms. Carver's concerns.

**Ann Cole**

090478 WS

**From:** Ann Cole  
**Sent:** Monday, January 11, 2010 7:58 AM  
**To:** Steve Larson  
**Cc:** Commissioners Advisors; Administrative Assistants - Commission Suite  
**Subject:** FW: Letter to Senator Fasano from Hernando County Attorney's Office with Supporting Documentation  
**Attachments:** Ltr-HernandoCounty-SenMikeFasano-010510.pdf; HernandoCounty-Objections-filedwith-PSC-111309.pdf; Pasco-Objections-Skyland-11309-09.pdf; DCAltr-to-PSC-11796-09.pdf

Thank you for this information. The four attachments have been printed and will be placed in *Correspondence - Parties and Interested Persons*, in Docket No. 090478-WS.

---

**From:** Steve Larson  
**Sent:** Friday, January 08, 2010 5:06 PM  
**To:** Ann Cole  
**Subject:** FW: Letter to Senator Fasano from Hernando County Attorney's Office with Supporting Documentation

Hello, Please add the attached information to Docket Correspondence (parties and interested persons) for Docket #090478-WS. Thanks,  
Steve

---

**From:** GIORDANO.GREGORY.S11 [mailto:GIORDANO.GREGORY.S11@flsenate.gov]  
**Sent:** Wednesday, January 06, 2010 3:09 PM  
**To:** Steve Larson  
**Cc:** FASANO.MIKE.S11; 'gkirk@co.hernando.fl.us'  
**Subject:** Letter to Senator Fasano from Hernando County Attorney's Office with Supporting Documentation

Steve,

I hope things are going well this week. It has been a busy one for you and the Chairwoman Argenziano no doubt.

The first attachment is from Mr. Jeff Kirk, Assistant County Attorney for Hernando County detailing some concerns the county has had with the Florida Public Service Commission. The remaining attachments document to a greater degree those concerns.

Senator Fasano would appreciate it if you would review the various documents and share them with Chairwoman Argenziano. If you need any additional information or details please do not hesitate to contact either myself or Mr. Kirk directly.

As always, thank you very much for you assistance.

Take care,

Greg

Greg Giordano  
Chief Legislative Assistant to State Senator Mike Fasano  
8217 Massachusetts Avenue 404 Senate Office Building  
New Port Richey, FL 34653 Tallahassee, FL 32399  
(727) 848-5885 (850) 487-5062

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Administrative  Parties  Consumer  
DOCUMENT NO. 11323-09  
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STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

December 7, 2009

RECEIVED-FPSC  
09 DEC -7 PM 3:17  
COMMISSION  
CLERK

Ms. Ann Cole, Commission Clerk  
Office of Administrative Services  
Florida Public Service Commission  
2540 Shamed Oak Boulevard  
Tallahassee, Florida 32399

RE: Skyland Utilities Application for Original Certificates for Proposed Water and Wastewater  
Utility Systems; Case No.: 090748-WS

090418

Dear Ms. Cole

The Department of Community Affairs has reviewed the proposal of Skyland Utilities to create a potable water and sanitary sewer service area in eastern Pasco and Hernando Counties. The application is to provide water and sewer services for an area of approximately 4,089 acres, of which 791 acres are located in Hernando County (approximate 19 percent), and the remainder in Pasco County.

The proposed service area is located within areas primarily designated in the Hernando County Comprehensive Plan as Rural land use (1 unit/10 acres); and in the Pasco County Comprehensive Plan as Agricultural (1 unit/10 acres) and Agricultural/Rural (1 unit/5 acres). The service area is divided into 12 sections with the provision of utility services planned in 5 phases. Phase I is scheduled to start between 2010 and 2015. The application is not clear on the dates of the remaining phases. The service area is not wholly contiguous, but is grouped in several clusters within a broad area. For Phase I, the Utility will rely on the use of package treatment plants to provide wastewater services. Additional details concerning provision of services for future phases of service are deferred to resolution in the future.

The Department is concerned about the provision of utility services to these rural and agricultural areas because it will lead to premature conversion of rural agricultural land to urban uses and promote urban sprawl. Chapter 163.3177(6)(a), Florida Statutes specifically requires that the future land use plan be based on, among other things, the discouragement of urban sprawl and the promotion of energy efficient land use patterns and the reduction of greenhouse gas emissions. The proposed utility serve area will promote a land use pattern that is inconsistent with the above cited provisions of Florida Growth Management Laws.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

DOCUMENT NUMBER-DATE  
1796 DEC-7 09  
FPSC-COMMISSION CLERK

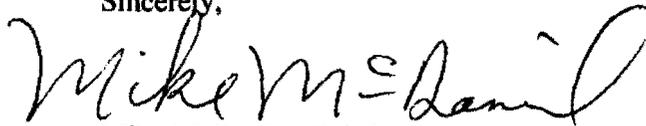
In addition, the proposal for utility services in this area is inconsistent with various provisions of the Hernando and Pasco County Comprehensive Plans. For example Hernando County Comprehensive Plan Future Land Use Policy 1.01B(6) states that "The County will not provide water, sewer, transportation, or other infrastructure to support urban development in the Rural Land Use Category so that urban development can be directed into those areas which are planned to receive such services.". Also the application is inconsistent with Pasco County Infrastructure Element Policies WAT 2.14 and SEW Policy 2.26 which states that within the Northeast Pasco County rural Area the County will Continue to rely primarily upon individual water well and septic tank systems for potable water and disposal of wastewater within the Rural Area, and that new development will not be designed or constructed with central sewer and water systems.

Pasco County and Hernando Counties have filed objections with the Public Service Commission to the application on various grounds including inconsistency with the comprehensive plans of both counties. The Department agrees that the proposed application is inconsistent with comprehensive plan policies of both counties which discourage the proliferation of urban sprawl and limit the extension of public utilities into agricultural and rural lands.

Furthermore, both Pasco and Hernando Counties have indicated that there is no consumer need for potable water or wastewater services within the areas Skyland Utilities propose for service. In light of these concerns the Department believes the provision of utilities to these areas is not necessary at this time and does not support it.

If you have any questions about this matter, please contact Dan Evans, Principal Planner at (850) 922-1805.

Sincerely,



Mike McDaniel, Chief  
Office of Comprehensive Planning

MM/dc

cc. Geoffrey Kirk, Assistant County Attorney, Hernando County  
Joseph Richards, Senior Assistant County Attorney, Pasco County

**Marguerite McLean**

090478-WS

**From:** Joseph Richards [jrichards@pascocountyfl.net]  
**Sent:** Friday, November 13, 2009 2:59 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Records Clerk; Caroline Klancke; 'Geoffrey Kirk'; Linda Strumski; Bruce Kennedy  
**Subject:** E-filing of Pasco County's Objection in Docket # 090478  
**Attachments:** Pasco Petition Docket 090478.pdf

Joseph D. Richards  
 Senior Assistant County Attorney  
 Pasco County, Florida  
 West Pasco Government Center  
 7530 Little Road, Suite 340  
 New Port Richey, Florida 34654  
 727-847-8120  
 jrichards@pascocountyfl.net

Docket # 090478, Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

Filed on behalf of Pasco County, Florida.

The attached document is nine (9) pages.

The attachment contains Pasco County's Objection to the Skyland Utilities application on the basis of, among other things, a direct conflict with the Pasco County Comprehensive Plan, the Pasco County Code of Ordinances and the Pasco County Utilities Capital Improvement Plan. Pasco County also requests an administrative hearing on this matter. Pasco County requests denial of the application.

Thank you.

11/13/2009

DOCUMENT NUMBER-DATE

11309 NOV 13 09

FPSC-COMMISSION CLERK

STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

In re: Application of Skyland Utilities, LLC,  
to operate a Water and Wastewater Utility  
in Hernando and Pasco County, Florida

PSC Docket No. 090478-WS

**PASCO COUNTY'S OBJECTION TO THE PROPOSED UTILITY AND  
PETITION FOR FORMAL ADMINISTRATIVE HEARING**

Petitioner, Pasco County (hereinafter "Pasco"), by and through undersigned counsel, hereby files this Objection to the Application of Skyland Utilities, LLC, to operate a Water and Wastewater Utility in Hernando and Pasco County, Florida, (the "Application") and this Petition for Formal Administrative Hearing pursuant to Rule 25-30.031, Florida Administrative Code and sections 120.569, 120.57 and 367.045, Florida Statutes, and as grounds therefore states the following:

1. On October 16, 2009, Skyland Utilities, LLC, provided notice of its application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges. Pasco received the notice via US Mail on October 20, 2009.

2. Pasco is a Florida political subdivision, which is charged with the power and duty, among other things, to prepare and enforce comprehensive plans for the development of the county, and to provide and regulate water supplies and sewage disposal, pursuant to Chapter 125, Florida Statutes. Pasco also operates a consolidated water, wastewater and reclaimed water utility throughout Pasco County, Florida (hereinafter referred to as "Pasco County Utilities" or "PCU").

3. Skyland proposes to establish a water and wastewater utility in various locations in Northeast Pasco County in direct conflict with the Pasco County Comprehensive Plan, the Pasco County Code of Ordinances and the PCU Capital Improvement Plan.

4. There are numerous issues of disputed fact and Pasco County objects to certification of Skyland Utilities for the following reasons:

DOCUMENT NUMBER-DATE

11309 NOV 13 8

FPSC-COMMISSION CLERK

a. There is no need for central water and sewer service in the proposed area. The existing buildings and land uses are adequately served by individual wells and individual septic tanks. The application contains no specific information as to need and the future development and bulk sales noted in the application is purely speculative at this time. The only development projects (Trilby Estates, Saran Ranch and Pine Ridge Estates) approved in the vicinity of Skyland's proposed service area will be developed on individual well and septic, consistent with the Pasco Comprehensive Plan. See attached Exhibit 1, Northeast Pasco MPUD/DRI Map. Furthermore, there are numerous private residences that would be encircled by Skyland's proposed service area (particularly Parcels ID 9, 11, 12A and 12B) and these property owners, currently on private well and septic, have not asked for central service.

b. The proposed provision of utility service is inconsistent with numerous policies and objectives of the Pasco County Comprehensive Plan including but not limited to the sections referenced below. The Comprehensive Plan designates all of the proposed service area as part of the Northeast Pasco Rural Area, within which central water and sewer is prohibited except under very limited circumstances (SEW 3.2.6).<sup>1</sup> The proposed service area does not meet the limited criteria for central water and sewer service. (SEW 3.2.6). Residential properties in the Rural Area are to be developed with individual wells and septic tanks. (SEW 3.2.6; WAT 2.1.4; FLU 2.1.15; FLU 2.1.17). The Comprehensive Plan also prohibits the expansion of central water and sewer service into areas designated as AG, agriculture or AG/R, agriculture/rural, such as the proposed service area properties. (WAT 2.1.1; SEW 3.5.1 and Exhibit 2, Northeast Pasco Zoning Map). The Comprehensive Plan encourages the purchase of private utilities and their conversion to publicly operated utilities, not the creation of new private utilities. (WAT 2.2.4). Skyland's proposal is contrary to the County policy to replace package plants with regional wastewater treatment plants. (SEW 3.2.1).

c. PCU maintains an existing water and wastewater system less than 0.5

---

<sup>1</sup> Citations are to the June 2006, Pasco County Comprehensive Plan (PCP), portions of which are attached to the Application as part of Appendix II.

miles from the proposed area and PCU maintains other water facilities within 1.53 miles from the Skyland proposed area. These facilities could be extended to provide service to proposed service area, if service was needed. Additionally, one of the parcels (Parcel ID 4) of the proposed service area is within a designated Employment Center for which PCU plans to provide water and wastewater service consistent with the Pasco County Comprehensive Plan. See Exhibit 3, Northeast Pasco Future Land Use Map. Furthermore, Pasco has established as its service territory the entire unincorporated area of the County not currently served by a legally existing private utility. See, § 110-28, Pasco County Code. Accordingly, Skyland's proposed service will be in competition with, or a duplication of, the PCU system. Pasco has not received a service request from any property in Skyland's proposed service area.

d. The Applicant does not have the technical ability to provide service. Its experience is in agricultural operations and not retail water and wastewater utility service. Contracting with a utility operator will serve to increase the cost of service contrary to the public interest.

e. It is a disputed fact whether the Application complies with Florida Administrative Code Rule 25-30.033.

f. It is a disputed fact whether Skyland is otherwise entitled to approval of the Application pursuant to Chapter 367, Florida Statutes and Florida Administrative Code Chapter 25-30.

g. It is a disputed fact whether Skyland's provision of public water supply via groundwater supplies currently designated for agricultural use is consistent with the Southwest Florida Water Management District's Regional Water Supply Plan dated December 1, 2006.

5. It is not efficient, cost-effective, good utility practice, or in the public interest to provide central water and sewer to such low density (one unit per 10 acres) as is proposed by Skyland. Skyland's proposed water and sewer rates will be substantially higher than those charged by Pasco County Utilities.

6. It is not efficient, cost-effective, good utility practice, or in the public interest to provide central water and sewer to such widespread, non-contiguous parcels of property.

7. The proposed certificate, if granted, would adversely impact the County and its ability to effectively and efficiently expand and implement its water and wastewater services within the county.

8. The proposed certificate, if granted, would promote urban sprawl and thwart the sound policy and planning objectives of the Pasco County Comprehensive Plan.

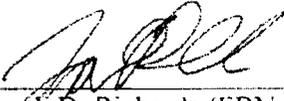
9. The proposed certificate, if granted, will result in private water and wastewater utility service to County citizens that will be significantly more costly than service that could be provided through individual wells and septic systems or that could be provided by Pasco County Utilities.

10. The proposed utility does not meet the requirements of section 367.045, Florida Statutes, because the applicant has not proven its ability to provide service, the need for service or the nonexistence of service from other sources. The proposed utility does not meet the requirements of Rule 25-30.033(1), Florida Administrative Code, because the proposal is not consistent with the Pasco County Comprehensive Plan, the applicant has not demonstrated the financial or technical ability to provide service, there is no need for service in the proposed area, the proposed service is not in the public interest, the applicant does not have an adequate agreement for continued use of the land upon which its facilities are to located.

11. Pasco County hereby incorporates by reference, as if fully set forth herein, all objections timely raised by Hernando County in this matter to the extent applicable to Pasco County.

WHEREFORE, Petitioner, Pasco County respectfully requests that the Skyland Utilities, LLC, application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges be denied.

Respectfully submitted this 13th day of November, 2009.



---

Joseph D. Richards (FBN 777404)  
Senior Assistant County Attorney  
Pasco County  
7530 Little Road, Suite 340  
New Port Richey, Florida 34654  
**Counsel for Pasco County**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. mail to the following on this 13<sup>th</sup> day of November, 2009:

Director, Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
(via e-filing also)

Caroline Klancke  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
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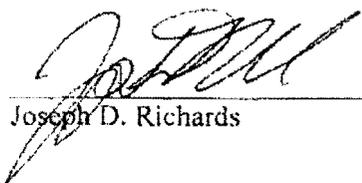
  
\_\_\_\_\_  
Joseph D. Richards

EXHIBIT 1

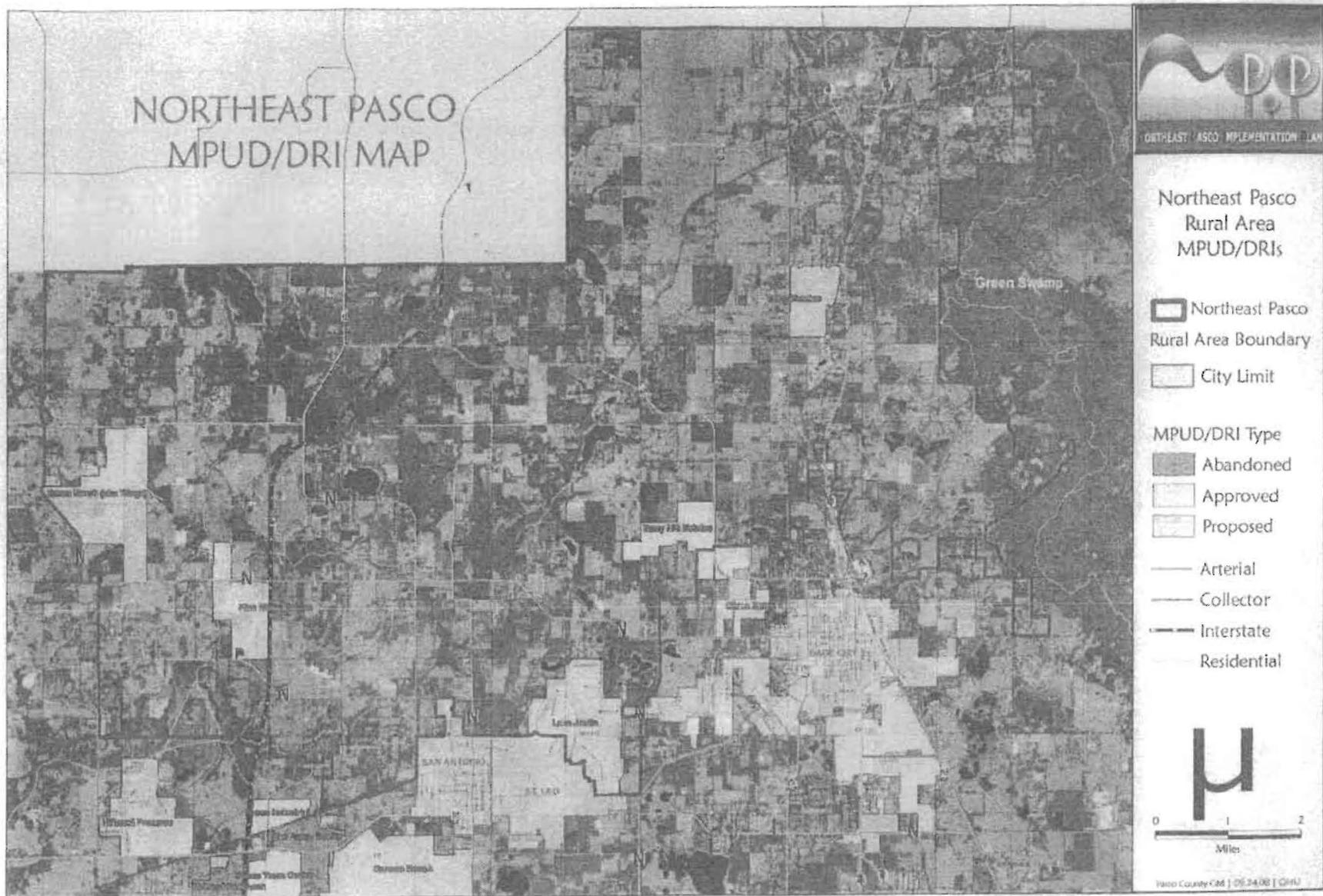


EXHIBIT 2

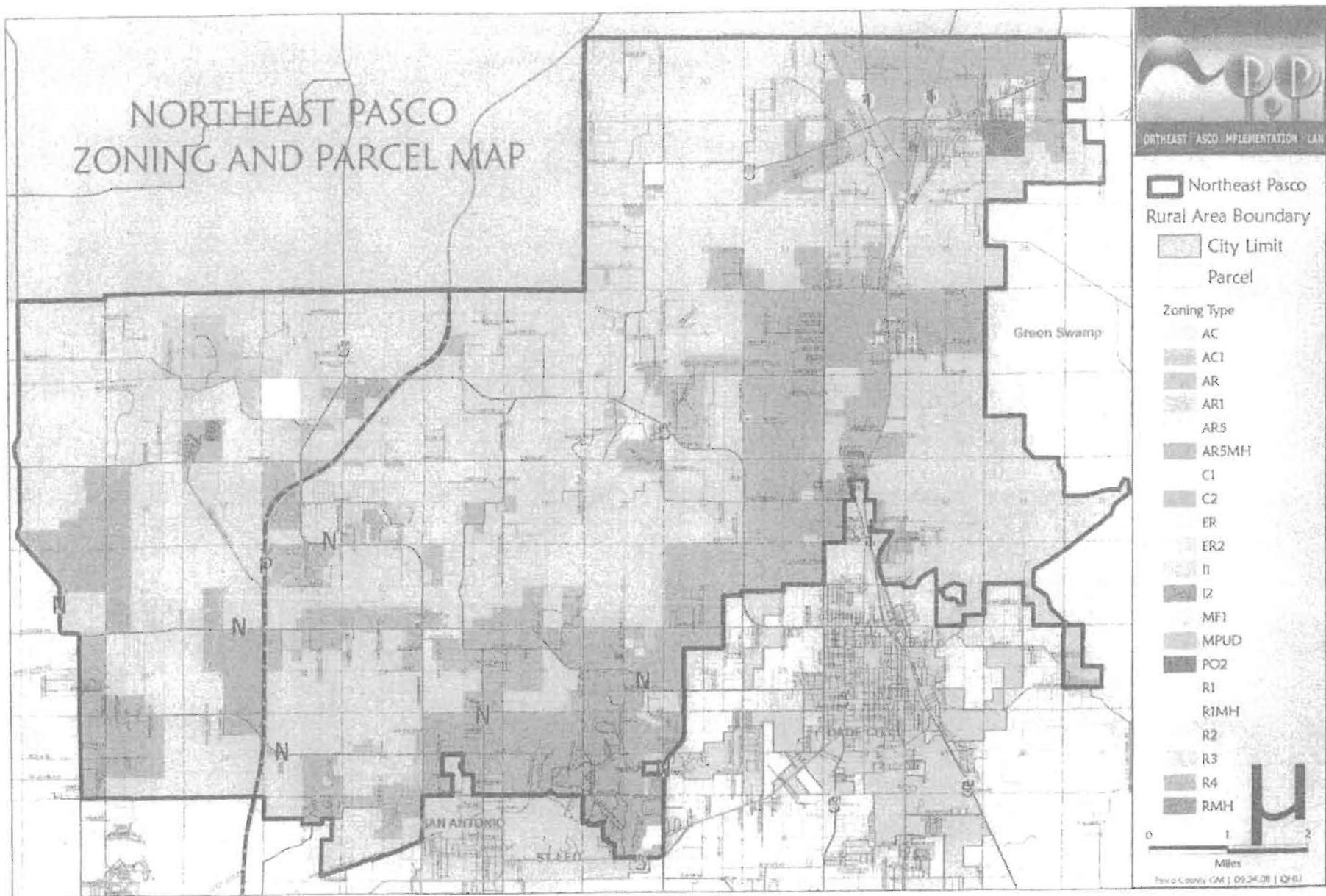
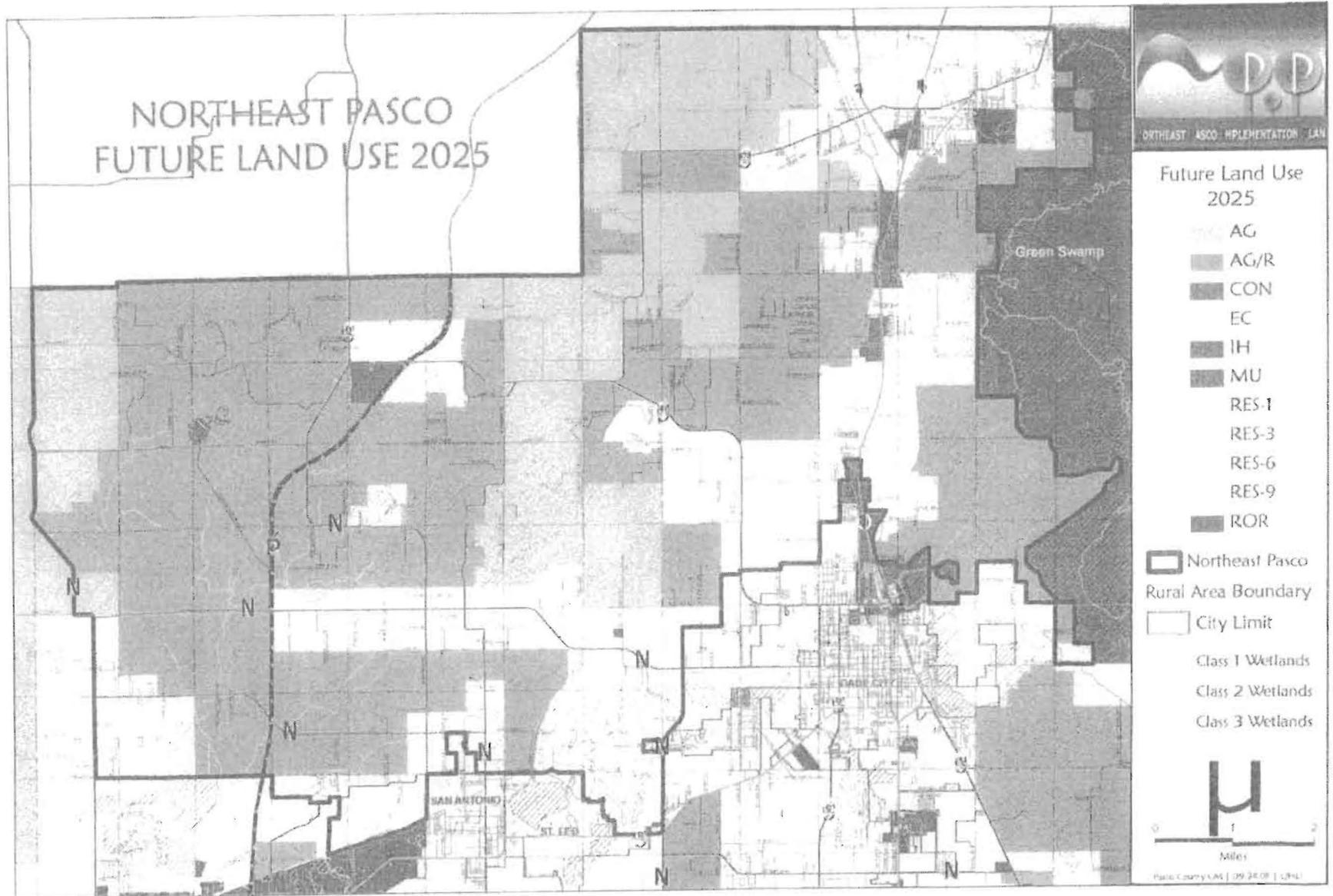


EXHIBIT 3



STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

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IN RE: APPLICATION OF SKYLAND  
UTILITIES, LLC, TO OPERATE A WATER  
AND WASTEWATER UTILITY IN  
HERNANDO AND PASCO COUNTIES,  
FLORIDA.

Case No.: 090478-WS

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**HERNANDO COUNTY'S MOTION TO DISMISS APPLICATION OF  
SKYLAND UTILITIES, LLC., FOR LACK OF JURISDICTION  
WITH INCORPORATED MEMORANDUM OF LAW**

Objector<sup>1</sup>, HERNANDO COUNTY ("the COUNTY"), by and through undersigned counsel, hereby moves to dismiss the *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* ("the *Application*") filed with the Public Service Commission by Applicant, SKYLAND UTILITIES, LLC. ("SKYLAND"). As grounds therefore, the COUNTY states that the Public Service Commission lacks jurisdiction to grant the *Application*.

**I. Question Presented**

In a "non-jurisdictional" county, the Public Service Commission only possesses the authority to regulate water and wastewater utilities whose **existing** facilities cross the county's boundaries. SKYLAND has applied to the Public Service Commission for permission to operate an integrated water and wastewater utility system in Pasco and Hernando Counties. SKYLAND, however, does not actually own, control, or operate any facilities in Pasco or Hernando Counties, nevertheless any infrastructure that traverses the border between those counties.

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<sup>1</sup>The COUNTY will file its *Objection to the Application of Skyland Utilities, LLC., and Request for Formal Administrative Hearing* contemporaneously with the filing of the instant motion with the Public Service Commission. All factual allegations and legal arguments that are contained in the COUNTY's *Objection* are hereby incorporated herein by reference.

The Florida Supreme Court has held that the Public Service Commission should resolve all doubts about its jurisdiction **against** the exercise thereof. In light of that standard, does the Public Service Commission have the power to grant certificates of authority to SKYLAND to operate a water and wastewater utility in Hernando County, even though no infrastructure of SKYLAND currently traverses any of Hernando County's geographic boundaries?

## **II. Preliminary Statement**

The COUNTY is aware that the argument made in this motion contradicts the Public Service Commission's decision in *In Re: Application for Certificates to Operate a Water and Wastewater Utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.*, 2000 WL 1092990 (Fla. P.S.C. July 11, 2000) ("*Intercoastal Utilities*").

The COUNTY presents the arguments made in this motion as a good faith argument for the extension, modification, revised interpretation, or reversal of existing law or the establishment of new law, as it applied to the material facts, with a reasonable expectation of success. Specifically, the COUNTY asks the Public Service Commission to either overrule the above-referenced order or to limit its scope. If unsuccessful, the COUNTY intends to seek similar relief in the appropriate appellate court.

## **III. Factual and Procedural Background**

While the *Application* states that SKYLAND intends to establish a new water and wastewater utility in various locations in Pasco and Hernando Counties, the *Application* explicitly states that no facilities currently traverse the borders of Hernando County. In fact, the *Application* indicates that SKYLAND plans to build an entirely new system from scratch.<sup>2</sup>

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<sup>2</sup>*Application*, passim. All factual allegations and assertions that are contained in the *Application* are hereby incorporated herein by reference.

#### IV. Legal Argument

As explained herein, the Public Service Commission lacks jurisdiction to grant the relief requested in SKLYAND's *Application*. No infrastructure owned or controlled by SKYLAND currently traverses a boarder of the COUNTY. The actual existence of such infrastructure is a prerequisite to the exercise of jurisdiction by the Public Service Commission over a water or wastewater utility situated in a non-jurisdictional county. Accordingly, the Public Service Commission lacks the necessary jurisdiction to grant SKYLAND's application.

The COUNTY respectfully suggests that to the extent that the Public Service Commission held otherwise in *Intercoastal Utilities*, that decision was in error. That being said, the COUNTY believes that *Intercoastal Utilities* can be distinguished via the facts presented in the instant case.

**A. All Doubts Regarding the Public Service Commission's Jurisdiction to Regulate a Water and Wastewater Utility must be Resolved Against the Existence of Jurisdiction.**

In *City of Cape Coral v. GAC Utilities, Inc.*, the Florida Supreme Court held that "[a]ny reasonable doubt as to the lawful existence of a particular power that is being exercised by the [Public Service Commission] must be resolved against the exercise thereof, and the further exercise of the power should be arrested."<sup>3</sup>

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<sup>3</sup>*City of Cape Coral v. GAC Utilities, Inc.*, 281 So.2d 493, 496 (Fla.1973).

**B. Fla. Stat. Ch. 367 Limits the Jurisdiction of the Public Service Commission to Regulate Water and Wastewater Utilities in “Non-Jurisdictional” Counties.**

The Florida Legislature established a two-tiered regulatory scheme for water utilities in this state by enacting the “Water and Wastewater System Regulatory Law” (the “Water Regulatory Act”).<sup>4</sup> As the first tier, the Legislature has granted the Public Service Commission the exclusive jurisdiction to regulate “all utility systems whose service transverses county boundaries.”<sup>5</sup> The Public Service Commission therefore has “exclusive jurisdiction over each utility [that it regulates] with respect to its authority, service, and rates.”<sup>6</sup>

The second tier consists of intra-county utility systems, which can be regulated either by the applicable county or the Public Service Commission. Under the Water Regulatory Act, “the various counties of Florida retain jurisdiction to regulate water and wastewater utilities providing service to customers within the boundaries of each county.”<sup>7</sup> Each county, however, has the option to cede its regulatory authority to the Public Service Commission by passing a resolution declaring that the county has voluntarily subjected itself to the Water Regulatory Act.<sup>8</sup> Otherwise, each county retains the authority to regulate all water and wastewater “utilities in that county which would otherwise be subject to regulation by the [Public Service Commission].”<sup>9</sup>

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<sup>4</sup>The Water and Wastewater System Regulatory Law, Fla. Stat. Ch. 367.

<sup>5</sup>Fla. Stat. § 367.171(7).

<sup>6</sup>Fla. Stat. § 367.011(2).

<sup>7</sup>*Hernando County v. Florida Public Service Commission*, 685 So.2d 48, 50 (Fla. 1st DCA 1996).

<sup>8</sup>Fla. Stat. § 367.171(1).

<sup>9</sup>Fla. Stat. § 367.171(8).

Hernando County is a non-jurisdictional county for the purposes of the Water Regulatory Act.<sup>10</sup>

**C. The Public Service Commission Only Possesses Jurisdiction to Regulate Water and Wastewater Utilities in Non-Jurisdictional Counties when a Utility's Service Traverses a County Border.**

In an Order dated June 6, 1994, the Public Service Commission initiated an investigation to determine whether it retained jurisdiction to regulate the operations of Southern States Utilities, a water and wastewater utility then operating in Hernando County.<sup>11</sup> Specifically, the Public Service Commission decided to investigate whether Southern States Utilities' operations in Hillsborough, Polk, and Hernando Counties constituted a single, inter-county utility system. If so, the Public Service Commission would have exclusive jurisdiction to regulate Southern States Utilities' operations. If not, the individual counties would have regulatory jurisdiction.

In an Order dated July 21, 1995, the Public Service Commission found that Southern States Utilities' operations constituted a single, inter-county system.<sup>12</sup> On that basis, the Public Service Commission held that it, not the COUNTY, possessed exclusive jurisdiction to regulate Southern States Utilities' operations.<sup>13</sup>

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<sup>10</sup>See *In re: Request for Acknowledgment of Resolution Rescinding Florida Public Service Commission Jurisdiction Over Private Water and Wastewater Utilities in Hernando County*, 1994 WL 269812 (Fla. P.S.C. June 9, 1994).

<sup>11</sup>See *In re: Southern States Utilities, Inc.'s Petition for Declaratory Statement Regarding Commission Jurisdiction Over Its Water and Wastewater Facilities in Hillsborough and Polk Counties*, 1994 WL 328024 (Fla. P.S.C. June 6, 1994).

<sup>12</sup>See *In re: Investigation Into Florida Public Service Commission Jurisdiction Over Southern States Utilities, Inc., in Florida*, 1995 WL 466804 (Fla. P.S.C. July 21, 1995).

<sup>13</sup>*Id.*

The COUNTY promptly appealed the Public Service Commission's order to the First District Court of Appeal.

On December 12, 1996, the First District Court of Appeal reversed the Public Service Commission's determination that it held exclusive regulatory jurisdiction over Southern States Utilities' operations in Hernando County.<sup>14</sup> The court held that the Public Service Commission's jurisdiction pursuant to Fla. Stat. § 367.171(7) depends upon the **actual existence** of operationally integrated water and/or wastewater facilities that traverse a county boundary.<sup>15</sup> "We conclude that the requirements of this statute can only be satisfied by **evidence that the facilities forming the asserted "system" exist in contiguous counties across which the service travels.**"<sup>16</sup>

**D. The Public Service Commission Lacks Jurisdiction to Consider the *Application* Because No Water or Wastewater Facilities Currently Exist or Traverse Hernando County's Borders.**

As discussed supra, SKYLAND does not currently provide service in either Pasco County or Hernando County. SKYLAND possesses no infrastructure or equipment in either county. SKYLAND explicitly states in the *Application* that it intends to build its entire utility system from scratch sometime in the future.

Since the facilities forming SKYLAND's proposed system **do not exist and do not provide service across the border of Pasco and Hernando Counties**, the Public Service Commission does not have jurisdiction to grant SKYLAND's *Application*.

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<sup>14</sup>*Hernando County v. Florida Public Service Commission*, 685 So.2d 48, 52 (Fla. 1<sup>st</sup> DCA 1996).

<sup>15</sup>*Id* at 52.

<sup>16</sup>*Id.* (Emphasis Added)

**E. The Public Service Commission Must Reverse its Decision in *Intercoastal Utilities*.**

In *Intercoastal Utilities*, the Public Service Commission considered two applications that proposed to construct trans-county water and wastewater systems in the future. The Commission overruled objections by several counties that the existence of physical infrastructure was a prerequisite to the exercise of jurisdiction by the Commission pursuant to *Hernando County*. In doing so, the Public Service Commission distinguished *Hernando County* as follows:

- The Commission reasoned that Fla. Stat. § 367.021(12) defines “utility” to include “every person . . . proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation.”<sup>17</sup>
- The Commission then maintained that *Hernando County* was not applicable to its consideration because that case did not reach the issue of whether the existence of inter-county facilities is a prerequisite to the existence of Commission jurisdiction pursuant to Fla. Stat. § 367.171(7). Instead, the Commission concluded that the First DCA merely held that the fact that a utility operates within multiple counties cannot give rise to Commission jurisdiction.
- Thus, the Commission held that it had jurisdiction to consider the applications “because each [applicant] is proposing to construct a utility system whose service would transverse county boundaries, thus causing the applications to fall within our exclusive jurisdiction.”<sup>18</sup>

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<sup>17</sup>2000 WL 1092990, \*20 (Fla. P.S.C. 2000).

<sup>18</sup>*Id.* (Internal Quotations Omitted)

The COUNTY respectfully suggests that the Public Service Commission's decision in *Interlocal Utilities* must be reversed because it artificially distinguished *Hernando County*. The First DCA actually held in *Hernando County* that the Public Service Commission's jurisdiction pursuant to Fla. Stat. § 367.171(7) depends upon the **actual existence** of operationally integrated water and/or wastewater facilities that traverse a county boundary.<sup>19</sup> The opinion specifically "conclude[d] that the requirements of this statute can only be satisfied by **evidence that the facilities forming the asserted "system" exist in contiguous counties across which the service travels.**"<sup>20</sup>

Since the Public Service Commission's decision in *Interlocal Utilities* is directly and fatally undermined by the First DCA's decision in *Hernando County*, the Commission must reverse *Interlocal Utilities*.

**G. Even if the Public Service Commission Does Not Reverse Its Decision in *Intercoastal Utilities*, That Order Is Based Upon Facts That Are Distinguishable From the Instant Facts.**

In *Interlocal Utilities*, the Public Service Commission considered applications by two utilities that sought original certificates to provide water and wastewater services to the residents of Nocatee, a master-planned community in St. Johns County and the extreme southeast corner of Duval County. At the time of the applications, Nocatee had already been approved as a Development of Regional Impact (DRI) as a mixed-use development on approximately 13,323 acres. Thus, the Public Service Commission was not being speculative when it found that whichever utility was selected to service Nocatee, the provision of service would span two adjacent counties.

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<sup>19</sup>*Id* at 52.

<sup>20</sup>*Id.* (Emphasis Added)

In this case, SKYLAND's proposed provision of inter-county water and wastewater services is purely speculative at best. SKYLAND admits in its *Application* that no planning, design, or exact timing has been planned for future phases.<sup>21</sup> In fact, the traversing of county boundaries will not occur until some future phase.<sup>22</sup> Thus, SKYLAND's *Application* clearly demonstrates that the company has no present intention of providing inter-county service in the foreseeable future.

Should the Public Service Commission not wish to readdress *Interlocal Utilities* at this time, it should find that SKYLAND's plan for inter-county service is simply too speculative at this time to invoke the Commission's jurisdiction under Fla. Stat. § 367.171(7).

**V. Prayer For Relief**

WHEREFORE, Objector, HERNANDO COUNTY, prays for the entry of an Order dismissing SKYLAND UTILITIES' *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges*, and granting such other and further relief as the Public Service Commission deems just and proper.

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<sup>21</sup>*Application* at Section I.D.

<sup>22</sup>*Id.*

**Certificate of Service**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. Mail to all persons listed on the attached service list on this 13<sup>th</sup> day of November, 2009.

/Geoffrey T. Kirk

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Vero Beach, FL 32963

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Tallahassee, FL 32399-1400

STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

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IN RE: APPLICATION OF SKYLAND  
UTILITIES, LLC, TO OPERATE A WATER  
AND WASTEWATER UTILITY IN  
HERNANDO AND PASCO COUNTIES,  
FLORIDA

Case No.: 090478-WS

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**HERNANDO COUNTY'S OBJECTION TO APPLICATION OF  
SKYLAND UTILITIES, LLC AND  
REQUEST FOR FORMAL ADMINISTRATIVE HEARING**

Hernando County, a political subdivision of the State of Florida, through counsel and pursuant to §§ 367.045, 365.171, Fla. Stat., and Rule 25-30.031, Fla. Admin. Code, hereby files its Objection to the *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* ("Application")<sup>1</sup> filed with the Public Service Commission ("PSC") by Applicant, Skyland Utilities, LLC ("Skyland").

Pursuant to § 367.045(4), Fla. Stat., Hernando County, a governmental authority, further requests that a formal administrative hearing be held on this Application in accordance with §§ 120.569 and 120.57(1), Fla. Stat.

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<sup>1</sup>/ The Application will be referred to as "**App. at p. \_\_\_**" and the page number(s) shall correspond to the page number(s) of the Application as found online at the PSC's online Docket in this matter (<http://www.psc.state.fl.us/dockets/cms/docketList.aspx?docketType=openWater>). Parenthesized material after **App. at p. \_\_\_** will describe the document or exhibit.

## I. KEY FACTS

### A. The Parties

1. Hernando County is a political subdivision of the State of Florida in accordance with Art. VIII, § 1, FLA. CONST., and Chapter 125, Florida Statutes. Hernando County has adopted laws regarding the regulation of land use, water and wastewater. Hernando County is a non-jurisdictional county for purposes of Chapter 367, Fla. Stat.

2. Skyland is the entity that has filed the subject Application. **App. at p. 1 *et seq.*** According to the Florida Department of State, Division of Corporation's website, Skyland filed its formation papers on or about June 11, 2009.

3. Skyland is a wholly owned subsidiary of Evans Utilities Company, Inc. **App. at p.6** (Application at p. 2); *and* **App. at p. 32** (Application, Exhibit I).

4. In turn, Evans Utilities Company, Inc. is wholly owned by Evans Properties, Inc. **App. at p. 32** (Application, Exhibit I).

5. Evans Properties, Inc. ("Evans") owns all of the land inside of the service boundaries of the proposed utility. **App. at p. 17** (Application, Exhibit A at ¶ 2).

6. Evans and Skyland are affiliated/related entities. **App. at 17** (Application, Exhibit A at ¶ 2).

7. To sum up their inter-relationships in their own words: "Evans owns and controls Evans Utilities Company, Inc., which owns and controls 100% of the [Skyland

Utilities, LLC] Utility and is the sole managing member of the Utility.” **App. at p. 591** (Application, Appendix – *Funding Agreement* at p. 1). As described later, Evans will be providing the land for the Utility’s operations and will be providing all of the funding for the proposed Utility.

### **B. The Total Proposed Utility Territory**

8. All of the land owned by Evans as specifically referenced in the subject Application shall hereinafter be referred to as the “Land” or the “Total Proposed Utility Territory” as these terms may be used interchangeably. The portion of the Land situated in Hernando County shall be referred to as the “Proposed Hernando Utility Territory” and the portion of the Land situated in Pasco County shall be referred to as the “Proposed Pasco Utility Territory”.

9. The Total Proposed Utility Territory consists of approximately 4,089 acres. **App. at p. 62** (Application, Appendix – *Development Phases – Draft*) and is situated primarily in rural northeastern Pasco County and rural southeastern Hernando County.

10. A portion of the Land will be leased from Evans to Skyland so that Skyland can conduct its utility operations. “Skyland will not own any of the land where the Utility’s water facilities will be located. Instead, the Utility will lease the land from the Landowner, Evans Properties, Inc.” **App. at 26** (Application, Exhibit E). Similarly, “Skyland will not own any of the land where the Utility’s wastewater facilities will be

located. Instead the Utility will lease the land from the Landowner, Evans Properties, Inc.” **App. at 31** (Application, Exhibit H).

11. An executed Water Lease Agreement between Evans and Skyland dated October 1, 2009 is attached to the Application. **App. at pp. 556-569** (Application, Appendix – *Water Lease Agreement*). The lease was signed by Ronald L. Evans, as President of Evans Properties, Inc., and counter-signed by Ronald L. Evans, as Manager, Skyland Utilities, LLC. **App. at 567** (Id.). A similar agreement dated October 1, 2009 is also provided for wastewater facilities. **App. at pp. 578-590** (Application, Appendix – *Wastewater Lease Agreement*).

### **C. The Proposed Hernando Utility Territory**

12. The Proposed Hernando Utility Territory consists of approximately 791 acres. **App. at p. 62** (Application, Appendix – *Development Phases – Draft*).

13. With the exception of one small area designated ‘Conservation,’ all of the Proposed Hernando Utility Territory is designated ‘Rural’ on the Future Land Use Map (“FLUM”) of Hernando County’s adopted Comprehensive Plan (“Comp Plan”). **App. at p. 19** (Application, Exhibit B at ¶ 4).

14. Pursuant to the Comp Plan, the only uses allowed under the ‘Rural’ FLUM designation are: agricultural, agricultural commercial, recreation, and residential development with densities no greater than 1 unit per 10 acres, except in designated preexisting rural communities. (Comp Plan, Section D).

#### D. The Proposed Utility Operation

15. Pursuant to its Application, Skyland “proposes to provide potable and non-potable water and wastewater services to bulk exempt, bulk non-exempt, intensified agribusiness, residential and general service customers from the service territory described in this application.” **App. at 17** (Application, Exhibit A at ¶ 1).

16. Specifically, as part of its proposed operations, Skyland indicated that it is “also considering selling bulk water.” **App. at 620** (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study*) (emphasis added).

17. The proposed utility operation is planned over five phases. **App. at p. 17** (Application, Exhibit A at ¶ 3); *and see App. at 610* (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study*).

##### (i) Phase 1

18. Wastewater treatment and disposal for Phase 1 “will be pre-engineered wastewater treatment plants utilizing an extended aeration/MLE treatment process with percolation ponds.” **App. at p. 9** (Application at p. 5). However, Skyland states that “[t]he full extent of treatment required for future Phases has not yet been determined.” *Id.* (emphasis added).

19. According to Skyland’s Application:

“In Hernando County, Phase 1 utility services are planned for ID 2 [see Map, App. at 62] that can serve the equivalent of developing the approximately 349 acres with an allowed density of 1 dwelling unit per 10 acres or approximately 35 ERCs [Equivalent Residential Connections].

Potable water service will be provided by modifying an existing well. The existing structures will continue to utilize on-site septic systems while the remaining 33 ERCs wastewater service will be provided by the use of a low-pressure wastewater collection system and a 10,000 gallon per day (gpd) wastewater package plant utilizing Extended Aeration (EA)/Modified Ludzack-Ettinger (MLE) treatment for nitrogen removal.”

**App. at p. 21** (Application, Exhibit C at ¶ 1); *and see App. at pp. 28-29* (Application, Exhibit F, Types of Treatment and Capabilities of Facilities).

20. Skyland projects that the “[n]eed for Phase I utility services are anticipated to occur from 2010 to 2015, with 80% capacity reached in 2015. For this filing 2015 will be the Test Year.” **App. at 23** (Application, Exhibit D at ¶ 2).

21. Reuse of effluent is not part of Phase 1. **App. at 30** (Application, Exhibit G).

22. During the first five years, Skyland projects providing potable water supply to twenty (20) ERCs in year 1; twenty (20) ERCs in year 2; twenty-four (24) ERCs in year 3; twenty-seven (27) ERCs in year 4; thirty-one ERCs in year 5; and thirty-three (33) ERCs in year 6. **App. at 24** (Application, Exhibit D, Table D-2); *accord App. at 610* (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study* at p. 1).

23. It is noted by Skyland – that as of the time of filing of its Application – “there were not appropriate power sources from Florida Power & Light (FP&L) to run the water and wastewater facilities” and that discussions with FP&L were ongoing. **App. at 611** (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study* at p. 2).

(ii) Future Phases

24. “The future phases will begin upon the completion of Phase 1.” **App. at 23** (Application, Exhibit D at ¶ 2).

25. However, according to the Application, “Phases II through V have not been conceptually designed at this time . . . .” **App. at 23** (Application, Exhibit D at ¶ 2).

Similarly, the *Cost of Service Study*, which is a portion of the Application, states:

“It is anticipated that the future phases will be utilized in the order indicated on the proposed service area map in Appendix I and as discussed in more detail in Exhibit A. **There have been no conceptual plans developed as of this time for future development phases.** Where units and/or consumption have been assumed in future phases in this filing, the maximum permitted dwelling units have been used without consideration of any restrictive issues.”

**App. at 610** (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study* at p. 1) (emphasis added).

(iii) Future Phases – Physical Interconnection Traversing Hernando and Pasco Counties

26. Finally, “[p]hysical interconnections will occur that traverse county lines [between Hernando and Pasco Counties] **during future phases.**” **App. at p. 22** (Application, Exhibit C at ¶ 1, last sentence).

27. It is further noted that the two contiguous parcels that are owned by Evans and which “*could*” connect Hernando and Pasco Counties are not planned for any development as part of Phase I. *See App. at 62* (Application, Appendix – *Development Phases – Draft*) (Map depicting parcels owned) and referencing text.

### **E. Funding the Proposed Utility Operation**

28. Evans will “provide the Utility with the funding necessary to build and operate the Utility System.” **App. at 32** (Application, Exhibit I, at ¶ 2); **App. at 35** (Application, Exhibit K); *and see App. at 591* (Application, Appendix – *Funding Agreement*).

29. However, Skyland freely states in its Application that “Skyland has not yet begun operations and thus does not have a detailed balance sheet, a statement of financial condition, or an operating statement.” **App. at 34** (Application, Exhibit J).

### **F. Technical Experience of Skyland to Operate the Proposed Utility**

30. According to the Application: “The related landowner, Evans, owns all of the land and has overseen all of the water resources within the proposed service territory. Evans has vast experience in water management through its agricultural oversight . . . .” **App. at 32** (Application, Exhibit I at ¶ 3). However, notably absent from the Application is any experience of Evans or Skyland in running a proposed multi-county ‘utility system’. Instead, “Evans will contract the day-to-day operations of the Utility System to a qualified company.” **App. at 33** (*Id.*).

### **G. Notice**

31. This matter was not ‘flagged’ by staff for Hernando County until receiving telephone notification of this Application from Pasco County. It appears that a copy of the ‘required’ notice was sent to the Clerk’s Office without cover letter. No

individualized notice – even as a courtesy if not statutorily required – was provided to David Hamilton, the County Administrator, Joseph Stapf, the County Utilities Director, or Garth Collier, the County Attorney. By all actions to date, it appears, perhaps, that Skyland was hoping that its Application would stay off of Hernando County’s radar screen until the thirty-day objection period had expired.

#### **H. Hernando County’s Comprehensive Plan – Relevant Objectives and Policies**

32. The following goals, objectives and policies of Hernando County’s Comp Plan are relevant to the subject Application:

##### **Chapter 1: Future Land Use**

**POLICY 1.01B(6):** Allow new development within the Rural Land Use Category which is compatible with the level of public services provided. The County will not provide water, sewer, transportation, or other infrastructure to support urban development in the Rural Land Use Category so that urban development can be directed into those areas which are planned to receive such services.

**POLICY 1.01B(7):** The County shall establish a procedure to evaluate the potential conversion of agricultural lands to non-agricultural uses which incorporate a site assessment process that considers the following:

- a. Adjacent land uses;
- b. Viability of adjacent parcels for continued or future agricultural use;
- c. Compatibility of proposed use with existing land characteristics;
- d. Comprehensive development plans;
- e. Available infrastructure;

f. Viability of the subject site including soils

POLICY 1.01T(1): Limit the potential for urban sprawl by establishing services in areas adjacent to concentrated growth.

POLICY 1.01T(2): Provide infrastructure for future development within areas of facility availability and investment in accordance with long range plans by the County for providing potable water, sanitary sewer, transportation and other facilities at planned levels of service and timing. Infrastructure for future development will be provided within the Residential, Commercial, Industrial, and Planned Development District Category areas indicated on the Future Land Use Map. The County may manage the timing of infrastructure availability within these areas to influence the timing and location of development.

POLICY 1.01T(4): Hernando County shall discourage the urban sprawl development pattern characterized as functionally unrelated to or integrated with other surrounding development. The following are representative characteristics of the urban sprawl development pattern:

- a. Leap frog development which is not contiguous to, or in close proximity to, existing urban infrastructure which requires costly public investments to provide such urban services for development.
- b. Linear or strip development that expands along major roadways beyond urban infrastructure causing the degradation of roadway capacity and incompatibility of adjoining land uses.
- c. Single dimensional development lacking supportive services.

POLICY 1.01T(8): Planning for water and sewer facilities will be consistent with the areas planned for urban development and designated on the Future Land Use Map.

OBJECTIVE 1.01U PROVIDE FOR THE DEVELOPMENT OF MECHANISMS TO LOCATE PUBLIC FACILITIES IN SUCH A MANNER AS TO EFFECTIVELY AND EFFICIENTLY SERVE EXISTING AND

**PROJECTED DEVELOPMENT AND MINIMIZE THE FACILITIES' IMPACT ON NEARBY NATURAL RESOURCES AND EXISTING LAND USES.**

**POLICY 1.01U(1):** The location of major public facilities shall be approved only after adequate opportunity has been provided for public review and comment.

**POLICY 1.01U(2):** As part of the major public facility locational review process, a statement of impact shall be prepared for new facilities describing the current condition of adjacent natural resources and land uses, the projected impact of the proposed facility on these adjacent areas and how the projected impact will be mitigated or minimized.

**Chapter 5: Sanitary Sewer**

**OBJECTIVE 4.01A:** THE COUNTY SHALL CONTINUE TO DEVELOP A WASTEWATER SERVICE PLAN FOR A TWENTY (20) YEAR PERIOD AT FIVE (5) YEAR INTERVALS TO BE UPDATED ANNUALLY WHICH EVALUATES THE DEMANDS AND SUPPLY OF WASTEWATER TREATMENT FACILITIES AND ESTABLISHES CRITERIA AND COSTS FOR THE DEVELOPMENT OF SERVICE AREAS WHICH DISCOURAGES URBAN SPRAWL.

**POLICY 4.01A(2):** The County will initiate the construction of wastewater treatment facilities based on the Wastewater Service Plan as required in Objective 4.01A.

**POLICY 4.01A(5):** All future wastewater collection and treatment systems within Hernando County should be owned and operated by or under contract with Hernando County, the Hernando County Water and Sewer District, or a municipality within Hernando County.

**Chapter 8: Potable Water**

**OBJECTIVE 4.11G** THE COUNTY SHALL PLAN FOR BUILDING NEW WATER SUPPLY FACILITIES OVER AT LEAST A TEN YEAR PLANNING PERIOD AS NECESSARY TO SERVE EXISTING AND NEW DEVELOPMENT.

**POLICY 4.11G(1):** The County shall utilize the following work plan in meeting this objective:

- a) The Hernando County Utilities Department or other appropriate agency shall prepare, and update as necessary, water supply plans to project and meet the needs of existing and new development within the urban growth areas designated by the Residential, Commercial, Industrial, and Planned Development District categories on the Future Land Use Map.
- b) The Water Resources Assessment Project (WRAP) model will be regularly calibrated and utilized to evaluate the impacts of development and provide guidance for development of water supply facilities.
- c) The Capital Improvements Element and Capital Improvements Plan as updated annually will be utilized to plan and program water supply facility projects and expenditures utilizing a five year planning period.
- d) Water supply planning will consider and coordinate with the Southwest Florida Water Management District's adopted water management plan, or regional water supply plan, should a regional water supply plan be adopted for that portion of the district which includes Hernando County.
- e) The demands of natural systems will be considered.
- f) Water supply planning conducted by the County will utilize a public participation process.

**POLICY 4.11G(2):** Water supply plans developed and updated hereunder, along with the adopted Capital Improvement Plan, shall be utilized to guide the location and timing of land development requiring potable water service.

**POLICY 4.13A(1):** Public Facility Zoning Approval shall be required prior to the construction of any major potable water well fields to review the

impacts on surrounding and proposed land uses and the aquifer and require mitigation of significant negative impacts.

POLICY 4.13A(4): With the exception of cities within Hernando County, the County will be the sole franchiser of water production or supply.

POLICY 4.13B(6): Hernando County shall provide for the development of water supplies to meet the demands of existing and projected populations within the County. Development of water supplies will be in accordance with the statutorily mandated Minimum Flows and Levels established by the Southwest Florida Water Management District to protect the water resources of the citizens of Hernando County.

## II. GOVERNING LAW

33. This matter is governed by Chapters 120, 125, 163 (Part II), and 367, Fla. Stat., Rule Chapters 25-22 and 25-30, Fla. Admin. Code, Florida decisional law, and established principles of statutory interpretation.

## III. OBJECTIONS TO APPLICATION OF THE PROPOSED UTILITY

34. Paragraphs 1 thru 33 above are incorporated herein by reference as if fully set forth herein.

### **A. Siting of Skyland Utility Where Proposed in Hernando County is Inconsistent with Hernando County's Adopted Comprehensive Plan**

The Proposed Hernando County Utility Territory is in a rural and largely undeveloped region of the County. The siting of a public water and/or wastewater utility system in this region violates the 'Rural' FLUM designation assigned to the Evans' properties.

Additionally, the proposed Utility violates numerous other objectives and policies of the Comp Plan as listed in Section I.H. above, without limitation.

**B. Proposed Utility will be in Competition with and/or Duplication of an Existing Utility Operated by Hernando County Water and Sewer District**

Currently, the Proposed Hernando Utility Territory is wholly within the service district of the Hernando County Water and Sewer District (“HCWSD”). HCWSD is governed by the locally elected Board of County Commissioners, a public body politic. The geographic service area and jurisdiction of HCWSD is clearly established and codified at Chapter 28 of the Hernando County of Ordinances.

Conversely, Skyland has not adequately demonstrated that its current needs over the next six year planning horizon (this was the time period it used in its Application and *Skyland Utilities, LLC Cost of Service Study*) could not be satisfied by HCWSD and/or existing permitting policies for private wells, septic and package treatment plant systems.

**C. Approving the Proposed Utility is NOT in the Public Interest**

First, just based on the four corners of the Application, the proposed utility cannot be cost effective or efficient by providing centralized utility service to houses with a density of less than one unit per ten (10) acres and to non-contiguous parcels. Of the 791 acres in Hernando owned by Evans, Skyland proposes only approximately 155 connections in the first five or six years of operations. Public interest is promoted by cost effective and efficient utility systems. Public interest is not served if persons residing in a certain geographic area of the county, *i.e.* southeastern Hernando County, who are

subjected to the future jurisdiction of the proposed Utility must pay higher water and wastewater rates due to lack of cost effectiveness, inefficiency, lack of economies of scale and/or the inexperience of the owner. (See facts set forth in Sections I.D, I.E and I.F, *supra*).

Second, the Proposed Hernando Utility Territory is wholly within the service district of the HCWSD, therefore, it is not in the public interest to duplicate or overlap utility service providers.

Third, as previously stated, it is not in the public interest to violate the goals, objectives and policies of Hernando County's adopted Comp Plan.

Fourth, it is not in the public interest to promote "urban sprawl" by encouraging new development and growth to occur prematurely in an area that is presently rural and largely undeveloped and without proper planning and infrastructure in place including roads, utility network, urbanized services and adequate electric power, without limitation. The presence of centralized water and sewer would encourage other development to occur in a leap frog and unplanned manner.

Fifth, it is not in the public interest to delete or reduce the service territory of the Hernando County Water and Sewer District if the geographic area being deleted was contemplated as being served in connection with bonds that have been issued or planned and the potential impact to the bondholders resulting from diminution of the secured interests.

Sixth, the public is currently served by an elected group of public officials who oversees HCWSD and they have local input into rates and regulations. It is not in the public interest to reassign a rural geographic segment of Hernando County to a private utility – with no known utility experience – to provide service. Especially since there has been no public demand for such service. Conversely, the person or entity (Evans) that is requesting private service from Skyland is the same entity that wholly owns the entity that wholly owns Skyland. Evans will also be leasing the land to Skyland to run the proposed utility system and Evans will be funding Skyland.

Lastly, adequate potable water supply is an important and valuable commodity to Hernando County and its residents. The possibility of this commodity being sold in bulk and pumped out of Hernando County violates the public interests of Hernando County and its residents and violates the doctrine of ‘local sources first’. (See facts set forth in Sections I.D, I.E and I.F, *supra*).

**D. Proposal by Skyland is Not a Utility Providing Service to the “The Public” “For Compensation” as Required by Chapter 367, Fla. Stat.**

Here, the entity/person requesting the utility service is the same entity which owns the proposed utility, which is the same entity leasing the land to Skyland and which is the same entity that will be funding Skyland. (See facts set forth in Section I.B and I.E., *supra*). Chapter 367 defines ‘Utility’ to mean “a water or wastewater utility . . . who is providing, or proposes to provide, water or wastewater service to the public for compensation.” § 367.021(13), Fla. Stat. (emphasis added). The term “for

compensation” also begs the question as to who is paying whom when one examines the inter-relationships between Evans Properties, Inc., Evans Utilities, Inc. and Skyland Utilities, LLC. In this regards, it is noted that the proposed Funding Agreement (App. at p. 591) was signed by Ronald L. Evans, as President of Evans Properties, Inc., and counter-signed by Ronald L. Evans, as Manager, Skyland Utilities, LLC. Accordingly, the term “the public” envisions a broader base than oneself (or a closely related/affiliated entity or alter ego) and “for compensation” envisions something more than shifting balance sheets among related entities. Skyland has not adequately demonstrated that it will be serving the “the public” “for compensation”.

**E. Mere Speculation to Provide Cross-County Service does Not Constitute “Transversing” for purposes of § 367.171(7), Fla. Stat. – PSC Lacks Jurisdiction over Hernando County, a Non-Jurisdictional County**

As explained in Hernando County’s *Motion to Dismiss* dated November 13, 2009 as separately filed in this matter (the content and arguments contained therein are incorporated into this pleading by reference as if fully set forth herein), the PSC lacks jurisdiction to grant the relief requested in Skyland’s Application. No infrastructure owned or controlled by Skyland currently traverses any border between Hernando County and Pasco County. The actual existence – and transversing – of such infrastructure is a prerequisite to the exercise of jurisdiction by the PSC over a water or wastewater utility situated in a non-jurisdictional county.

Moreover, the actual transversing of lines between Hernando and Pasco Counties is extremely speculative including when and how it might occur. Skyland admits in its application that no planning, design or exact timing has been planned for future phases (see facts set forth in Section I.D., *supra*). Skyland further admits that any transversing of county boundaries will not occur until some future phase. *Id.* Surely the PSC should not use the weight of the State to override Hernando County's primary jurisdiction based upon the mere recitation of Skyland that it intends to transverse County lines at some point after the 2015 year as part of a Phase not yet planned or designed and for which the number of users or capacity demands have not been calculated.

Accordingly, the PSC lacks the necessary jurisdiction to grant Skyland's application as pertaining to Hernando County. See *Hernando County v. Public Service Commission*, 685 So.2d 48, 51-52 (Fla. 5<sup>th</sup> DCA 1996).

#### **F. OBJECTIONS RAISED BY PASCO COUNTY**

Hernando County hereby incorporates by reference, as if fully set forth herein, all objections timely raised by Pasco County and any other objector in this matter to the extent applicable to Hernando County.

#### **IV. REQUEST FOR FORMAL ADMINISTRATIVE HEARING INVOLVING DISPUTED ISSUES OF MATERIAL FACT**

In the event the PSC does not dismiss Skyland's Application for lack of jurisdiction over Hernando County or, in the alternative, summarily deny Skyland's

Application, then Hernando County makes demand for a formal administrative proceeding in accordance with §§ 120.569 and 120.57(1), Fla. Stat.

A. The affected agency is the Florida Public Service Commission.

B. The name, address and telephone number of the Applicant, Skyland Utilities, LLC, is set forth in the Application. **App. at 1 *et seq.*** The name address of Hernando County and other parties entitled to notice are set forth in the signature block and certificate of service at the end of this document.

C. Petitioner, Hernando County, received notice as described in Section I.G.

D. In the event that the PSC does not dismiss, or summarily deny, Skyland's Application, then the following issues of material fact are in dispute:

- (i) Whether Skyland's Application comports with all of the requirements set forth in § 367.045, Fla. Stat. and Rule 25.30.033, Fla. Admin. Code;
- (ii) Whether the siting of the Utility where proposed by Skyland will violate Hernando County's adopted Comprehensive Plan;
- (iii) Whether the siting of the Utility where proposed by Skyland will encourage "urban sprawl" in southeastern Hernando County;
- (iv) Whether the Utility proposed by Skyland will compete with and/or duplicate the services of the Hernando County Water and Sewer District;

- (v) Whether the Utility proposed by Skyland is in the Public Interest or, in the alternative, whether the proposed Utility violates the Public Interest;
- (vi) Whether the Utility proposed by Skyland will impact any existing or contemplated bond as issued by Hernando County and/or the Hernando County Water and Sewer District;
- (vii) Whether the Utility proposed by Skyland will be serving “the public” for purposes of Chapter 367, Fla. Stat., if the provider and intended user are related or affiliated entities or alter egos;
- (ix) Whether the Utility proposed by Skyland will be operating “for compensation” for purposes of Chapter 367, Fla. Stat., if the provider and intended user are related or affiliated entities or alter egos;
- (x) Whether an applicant’s mere *statement of intent* to “transverse” pipes across county lines at some undefined point in the future – in connection with some future Phase of development not yet conceptualized, planned or designed – is sufficient for the Public Service Commission to usurp the jurisdiction of a sovereign non-jurisdictional county under the guise of § 367.171(7), Fla. Stat.; and,

(xi) All disputed issues of material fact timely raised by Pasco County and any other objector to this proceeding.

E. Hernando County restates and incorporates by reference, as ultimate facts, all facts and matters set forth in Section I above (Paragraphs 1 thru 32) as if fully set forth herein.

F. This matter is governed by Chapters 120, 125, 163 (Part II) and 367, Fla. Stat., Rule Chapters 25-22 and 25-30, Fla. Admin. Code, Florida decisional law, and established principles of statutory interpretation.

G. Petitioner, Hernando County, seeks the relief requested immediately below.

#### **V. RELIEF REQUESTED**

WHEREFORE, Hernando County prays for the entry of an Order:

1. Dismissing Skyland's *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* for lack of jurisdiction pursuant to § 367.171, Fla. Stat.; or,
2. Alternatively, if jurisdiction is rendered, deny the Application; or,
3. If the PSC will not dismiss or summarily deny the Application, then PSC is requested to refer this matter to formal administrative hearing pursuant to §§ 120.569 and 120.57(1), Fla. Stat.; and,
4. Granting such other and further relief as the Public Service Commission deems just and proper consistent with the foregoing.

**Dated: November 13, 2009.**

Respectfully submitted,



\_\_\_\_\_  
Geoffrey Kirk, Esq. (FBN 861626)

Jon A. Jouben, Esq. (FBN 149561)

Garth Coller, Esq. (FBN 37849)

County Attorney

20 N. Main Street, Suite 462

Brooksville, FL 34601

(352) 754-4122

(352) 754-4001 Fax

Counsel for Hernando County

### **CERTIFICATE OF SERVICES**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent, in the manner stated below, to all persons listed below, this 13<sup>th</sup> day of November, 2009.



\_\_\_\_\_  
Geoffrey T. Kirk, Esq.

Joseph D. Richards  
Senior Assistant County Attorney  
Pasco County  
7530 Little Road, Suite 340  
New Port Richey, Florida 34654  
(by U.S. Mail)

Director, Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
(by filing original with Clerk *via* hand delivery)

Caroline Klancke  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399  
(by hand delivery)

Michael Milton, Esq.  
Dean, Mead, Minton & Zwerner  
1903 South 25<sup>th</sup> Street, Suite 200  
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(by U.S. Mail)

Ronald Edwards, Manager  
Skyland Utilities, LLC  
660 Beachland Blvd., Suite 301  
Vero Beach, FL 32963  
(by U.S. Mail)

J.R. Kelly, Public Counsel  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(by U.S. Mail)

STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

RECEIVED-PPSC  
09 NOV 13 AM 10:59  
COMMISSION  
CLERK

IN RE: APPLICATION OF SKYLAND  
UTILITIES, LLC, TO OPERATE A WATER  
AND WASTEWATER UTILITY IN  
HERNANDO AND PASCO COUNTIES,  
FLORIDA

Case No.: 090478-WS

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**HERNANDO COUNTY WATER AND SEWER DISTRICT'S OBJECTION TO  
APPLICATION OF SKYLAND UTILITIES, LLC AND  
REQUEST FOR FORMAL ADMINISTRATIVE HEARING**

Hernando County Water and Sewer District, a body politic of the State of Florida, hereby files its Objection to the *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* ("Application") filed with the Public Service Commission ("PSC") by Applicant, Skyland Utilities, LLC ("Skyland").

Pursuant to § 367.045(4), Fla. Stat., Hernando County Water and Sewer District, governmental authority, further requests that a formal administrative hearing be held on this Application in accordance with §§ 120.569 and 120.57(1), Fla. Stat.

1. Hernando County Water and Sewer District ("HCWSD") is the current provider of public water and wastewater/sewer throughout unincorporated Hernando County, Florida. HCWSD is governed by, and operates under, Chapter 28 of the Hernando County Code of Ordinances, and applicable state law.
2. Skyland is the entity that has filed the subject Application.
3. HCWSD did not receive mail notice of the Application and is not on Skyland's certificate of mailing list. HCWSD learned of this matter from Hernando County, a separate entity.

4. HCWSD hereby incorporates by reference, in its entirety, that certain pleading styled *Hernando County's Motion to Dismiss* dated November 13, 2009 as if same was fully set forth herein.

5. HCWSD hereby incorporates by reference all factual assertions, arguments and objections raised by Hernando County in that certain pleading styled *Hernando County's Objection to Application of Skyland Utilities, LLC and Request for Formal Administrative Hearing* dated November 13, 2009 as if same was fully set forth herein.

6. HCWSD further requests a formal administrative hearing be conducted in this matter pursuant to §§ 120.569 and 120.57(1), Fla. Stat.

WHEREFORE, Hernando County Water and Sewer District prays for the entry of an Order:

1. Dismissing Skyland's *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* for lack of jurisdiction pursuant to § 367.171, Fla. Stat.; or,
2. Alternatively, if jurisdiction is rendered, deny the Application; or,
3. If the PSC will not dismiss or summarily deny the Application, then PSC is requested to refer this matter to formal administrative hearing pursuant to §§ 120.569 and 120.57(1), Fla. Stat.;
4. Granting such other and further relief as the Public Service Commission deems just and proper consistent with the foregoing.

**Dated: November 13, 2009.**

Respectfully submitted,

  
\_\_\_\_\_  
Geoffrey T. Kirk, Esq. (FBN 861626)  
Jon A. Jouben, Esq. (FBN 149561)  
Garth Coller, Esq. (FBN 37849)  
County Attorney  
20 N. Main Street, Suite 462  
Brooksville, FL 34601  
(352) 754-4122  
(352) 754-4001 Fax  
Counsel for Hernando County Water and Sewer  
District

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent, in the manner stated below, to all persons listed below, this 13<sup>th</sup> day of November, 2009.

  
\_\_\_\_\_  
Geoffrey T. Kirk, Esq.

Joseph D. Richards  
Senior Assistant County Attorney  
Pasco County  
7530 Little Road, Suite 340  
New Port Richey, Florida 34654  
(by U.S. Mail)

Director, Division of the Commission Clerk  
and Administrative Services  
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Tallahassee, Florida 32399-0850  
(by filing original with Clerk via hand delivery)

Caroline Klancke  
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2540 Shumard Oak Boulevard  
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Michael Milton, Esq.  
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1903 South 25<sup>th</sup> Street, Suite 200  
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Ronald Edwards, Manager  
Skyland Utilities, LLC  
660 Beachland Blvd., Suite 301  
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(by U.S. Mail)

J.R. Kelly, Public Counsel  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(by U.S. Mail)

STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

IN RE: APPLICATION OF SKYLAND  
UTILITIES, LLC, TO OPERATE A WATER  
AND WASTEWATER UTILITY IN  
HERNANDO AND PASCO COUNTIES,  
FLORIDA

Case No.: 090478-WS

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COMMISSION  
CLERK

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**HERNANDO COUNTY UTILITY REGULATORY AUTHORITY OBJECTION TO  
APPLICATION OF SKYLAND UTILITIES, LLC AND  
REQUEST FOR FORMAL ADMINISTRATIVE HEARING**

Hernando County Utility Regulatory Authority, a body politic of the State of Florida, hereby files its Objection to the *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* ("Application") filed with the Public Service Commission ("PSC") by Applicant, Skyland Utilities, LLC ("Skyland").

Pursuant to § 367.045(4), Fla. Stat., Hernando County Utility Regulatory Authority, governmental authority, further requests that a formal administrative hearing be held on this Application in accordance with §§ 120.569 and 120.57(1), Fla. Stat.

1. Hernando County Utility Regulatory Authority ("HCURA") is the franchiser and regulator of private water and wastewater providers operating within unincorporated Hernando County, Florida. HCURA is governed by, and operates under, Chapter 28 of the Hernando County Code of Ordinances, and applicable state law.

2. Skyland is the entity that has filed the subject Application.

3. HCURA did not receive mail notice of the Application and is not on Skyland's certificate of mailing list. HCURA learned of this matter from Hernando County, a separate entity.

4. HCURA hereby incorporates by reference, in its entirety, that certain pleading styled *Hernando County's Motion to Dismiss* dated November 13, 2009 as if same was fully set forth herein.

5. HCURA hereby incorporates by reference all factual assertions, arguments and objections raised by Hernando County in that certain pleading styled *Hernando County's Objection to Application of Skyland Utilities, LLC and Request for Formal Administrative Hearing* dated November 13, 2009 as if same was fully set forth herein.

6. HCURA further requests a formal administrative hearing be conducted in this matter pursuant to §§ 120.569 and 120.57(1), Fla. Stat.

WHEREFORE, Hernando County Utility Regulatory Authority prays for the entry of an Order:

1. Dismissing Skyland's *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* for lack of jurisdiction pursuant to § 367.171, Fla. Stat.; or,
2. Alternatively, if jurisdiction is rendered, deny the Application; or,
3. If the PSC will not dismiss or summarily deny the Application, then PSC is requested to refer this matter to formal administrative hearing pursuant to §§ 120.569 and 120.57(1), Fla. Stat.;
4. Granting such other and further relief as the Public Service Commission deems just and proper consistent with the foregoing.

**Dated: November 13, 2009.**

Respectfully submitted,

  
\_\_\_\_\_  
Geoffrey Kirk, Esq. (FBN 861626)  
Jon A. Jouben, Esq. (FBN 149561)  
Garth Coller, Esq. (FBN 37849)  
County Attorney  
20 N. Main Street, Suite 462  
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(352) 754-4122  
(352) 754-4001 Fax  
Counsel for Hernando Utility Regulatory Authority

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent, in the manner stated below, to all persons listed below, this 13<sup>th</sup> day of November, 2009.

  
\_\_\_\_\_  
Geoffrey Kirk, Esq.

Joseph D. Richards  
Senior Assistant County Attorney  
Pasco County  
7530 Little Road, Suite 340  
New Port Richey, Florida 34654  
(by U.S. Mail)

Director, Division of the Commission Clerk  
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Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(by U.S. Mail)

*Board of County Commissioners*  

---

*Hernando County*  
County Attorney's Office



*Garth C. Coller, County Attorney*  
*Kent L. Weissinger, Senior Assistant County Attorney*  
*Geoffrey T. Kirk, Assistant County Attorney*  
*Jon A. Jouben, Assistant County Attorney*  
*Erica Moore, Assistant County Attorney*  
*Susan H. Bishop, Legal Administrator*

*20 N. Main Street, Suite 462*  
*Brooksville, FL 34601*  
*352-754-4001 Fax*  
*352-754-4122*

January 5, 2010

*Via email: mikefasano@flsenate.gov*

Honorable Mike Fasano  
Florida Senator – President Pro Tempore  
8217 Massachusetts Avenue  
New Port Richie, FL 34653

**Re: Public Service Commission – Proposed Agency Reform**

Dear Mr. Fasano:

We read where you are proposing various reforms of the Public Service Commission (PSC). Hernando County would like to recount some of our recent experiences involving the PSC as it pertains to their water and wastewater regulatory division.

Last November, Hernando County was alerted – pursuant to a telephone call from the Pasco County Attorney's Office – of a pending *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* filed by Skyland Utilities, LLC. After reviewing Skyland's Application, our Board of County Commissioners authorized staff to file an Objection with the PSC. A copy of the County's Objection is attached. Pasco County filed its own Objection based on similar grounds (also attached).

1. **PSC's Mind-set/Agency Culture:** In connection with the above application, this Office recently reviewed numerous Final Orders issued by the PSC regarding Section 367.045 certification of water and wastewater utilities. The common thread in all of these Final Orders – although well crafted by PSC in-house legal staff – was the lengths that PSC would go to in order to rule in favor of approving PSC jurisdiction over the strenuous objections of the affected county governments. To date, we have yet to find a Final Order in which the local county government has defeated the PSC's finding of jurisdiction in a water/wastewater case. As you are aware from the Tampa Bay water wars, water is a very valuable commodity to local government and plays a significant role in how and where new growth may occur.

Specifically here, Skyland has no current utility operation in either Hernando or Pasco Counties. Skyland, in its application, set forth a five-year development plan of starting a water/wastewater utility in Hernando County wherein Skyland anticipates serving approximately 155 new residential customers during the first five or six year period. Skyland's application advises that Skyland will have future phases of development and at some future phase of development – not yet planned or designed – there will be a physical interconnection of pipes which will transverse Pasco and Hernando Counties. It is this “purported” future transversing of physical water pipes across county lines that allegedly gives the PSC jurisdiction under § 367.171(7), Fla. Stat. However, no matter how speculative a utility applicant's future promise to transverse water pipes across county boundaries may be, the PSC appears to have an entrenched mind-set to grant PSC jurisdiction and regulation over such speculative inter-county utilities notwithstanding whatever objections local governments may raise. [Hernando County notes that it has filed a *Motion to Dismiss* with the PSC based upon this argument; however, bear no illusions about our ability to overcome the PSC's self serving mind-set and, thus, will ultimately will have to waste taxpayer dollars by resorting to the appellate court for potential relief.]

Furthermore, Hernando County believes that the PSC's mind-set is both top-to-bottom and bottom-to-top. After the undersigned attended an informal post-filing conference in the PSC's Tallahassee offices, the undersigned was left with the distinct “*perception*” that PSC Staff assigned to the Skyland application had already made up their minds to recommend approval of Skyland's application to the Commission and that the objections filed by Pasco County, Hernando County, Hernando County Water and Sewer District, Hernando County Utility Regulatory Authority, the City of Brooksville, and certain citizen groups from Pasco were *inconveniences* (although the undersigned cannot point to one specific statement made, this perceived mind-set by the PSC staff is based on many years as a practicing attorney in both the public and private sectors and as a former elected public official for 14 years).

Accordingly, we ask that any legislative reform address the PSC's mind-set or culture of operation, at least as it pertains to their water and wastewater division.

2. **Local Government Comprehensive Plans:** As you are aware, local governments must adopt and then abide by their adopted comprehensive plans. Chapter 163, Part II, Fla. Stat., dictates that no development permit may be issued that is inconsistent with the local government's adopted comprehensive plan. § 163.3194(1)(a), Fla. Stat. (“After a comprehensive plan...has been adopted in conformity with this act, **all development** undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element **shall be consistent with such plan** or element as adopted.”); *Lake Rosa v. Board of County Commissioners*, 911 So.2d 206, 209 (Fla. 5<sup>th</sup> DCA 2005) (“**compliance with a comprehensive plan** by governmental agencies **regarding issuance of development orders, such as building permits, is mandatory**”), *rev. denied*, 928 So.2d 334 (Fla. 2006). However, notwithstanding this dictate, the PSC has carved out an exception for themselves when it comes to siting water and wastewater utilities. Section 367.045(5)(b), Fla. Stat. provides that if an objection has

been timely made “the [PSC] *commission* shall consider, but *is not bound by, the local comprehensive plan of the county or municipality.*” (Emphasis added).

Again, when the undersigned met with the PSC staff assigned to the Skyland application, they *appeared* to downplay the Department of Community Affairs’s finding that Skyland’s proposed utility was inconsistent with the adopted comprehensive plans of Hernando County and Pasco County. A copy of DCA’s letter is attached.

Hernando County, for itself and probably many other counties and municipalities, respectfully requests that § 367.045(5)(b), Fla. Stat., be amended so that the PSC has to play by the same rules as local governments when it comes to an adopted local government comprehensive plan.

3. **Florida Administrative Procedures Act:** Hernando County suggests that the Florida Division of Administrative Hearings assume a more active role in hearing and deciding disputes in § 367.045 water/wastewater certification hearings where the initial issue is whether certification should be granted over the objection of the local government or whether PSC has proper jurisdiction. This will go a long way in putting local governments back on a level playing field.

We humbly thank you in advance for any assistance you can give us. Please do not hesitate to call or email me if you have any questions or comments.

Sincerely,



Jeff Kirk

Assistant County Attorney

cc: Honorable David Russell, Chairman, Board of County Commissioners  
Honorable Rose Rocco, Vice-Chairperson, Board of County Commissioners  
Honorable John Druzbeck, Second Vice-Chairman, Board of County Commissioners  
Honorable James Adkins, Member, Board of County Commissioners  
Honorable Jeff Stabins, Member, Board of County Commissioners  
David Hamilton, County Administrator, Hernando County  
Joseph Staph, Utilities Director, Hernando County  
Chuck Lewis, Deputy Utilities Director, Hernando County  
Ron Pianta, AICP, Planning Director, Hernando County  
Garth Coller, County Attorney, Hernando County  
Jon Jouben, Assistant County Attorney, Hernando County  
Joseph Richards, Senior Assistant County Attorney, Pasco County  
Michael Vente, Staff to Senator Fasano

**Ruth Nettles**

090478

**From:** Filings@psc.state.fl.us  
**Sent:** Thursday, December 17, 2009 3:51 PM  
**To:** 'Derrill@hoganlawfirm.com'  
**Cc:** Ruth Nettles; Dorothy Menasco; Marguerite McLean  
**Subject:** FW: Amended Certificate of Service: City of Brooksville's Leave to Amend (Orig filed 12/15/2009)  
**Attachments:** 00184340.DOC

Dear Mr. McAteer:

We are in receipt of your filing below. Per the Commission's e-filing requirements, the e-mail message transmitting the document(s) to be filed is not itself considered a filing. Therefore, documents contained within the text of an e-mail transmission will not be considered filed.

Please note that 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 e-mail.

The 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 officially accepted for filing.

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

Ruth Nettles  
 Commission Deputy Clerk II  
 Office of Commission Clerk  
 850-413-6770

**FPSC, CLK - CORRESPONDENCE**  
Administrative ~~Parties~~ Consumer  
**DOCUMENT NO.** 11323-09  
**DISTRIBUTION:** \_\_\_\_\_

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**From:** Derrill McAteer [mailto:Derrill@hoganlawfirm.com]  
**Sent:** Thursday, December 17, 2009 3:32 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Amended Certificate of Service: City of Brooksville's Leave to Amend (Orig filed 12/15/2009)

Case No: 090478-WS

Length: One (1) Page

Attached please find an amended Certificate of Service for the City of Brooksville's Motion for Leave to Amend Objection, originally filed December 15, 2009 in the above referenced case. The following attorney's name has been added to the attached amended Certificate of Service, which was omitted via scrivener's error.

John L. Wharton, Esq.  
 Rose, Sundstrom, & Bentley, LLP  
 2548 Blainstone Pines Dr.  
 Tallahassee, Fl. 32301

Mr. Wharton has been served with a copy of the Motion for Leave to Amend on December 17, 2009 by email and regular mail.

Submitted by:

Derrill L. McAteer, Esq.  
Hogan Law Firm  
20 S. Broad Street  
Brooksville, FL 34601

Phone (352) 799-8423  
Fax (352) 799-8294

Email: [derrill@hoganlawfirm.com](mailto:derrill@hoganlawfirm.com)

**Marguerite McLean**

090478-WS

**From:** Filings@psc.state.fl.us  
**Sent:** Tuesday, December 15, 2009 1:40 PM  
**To:** 'Derrill@hoganlawfirm.com'  
**Subject:** FW: Reference: Case No 090478-WS  
**Attachments:** \_1215104504\_001.pdf

**DOCUMENT NO. DATE**

11323-09 12/15/09  
**FPSC - COMMISSION CLERK**

Dear Mr. McAteer:

We are in receipt of your e-filing listed below . Please note that per Commission e-filing requirements, the e-mail message to which the document is attached shall include specific information, as noted below, that was not included in your e-filing.

E-Mail Transmitting an Electronically Filed Document

- The e-mail message transmitting the document(s) to be filed is not itself considered a filing. Therefore, documents contained within the text of an e-mail transmission will not be considered filed.
- Multiple documents may be attached to the same e-mail transmittal. However, 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 e-mail.
- The e-mail message to which the document is attached shall include the following information, in the order listed:
  - a. The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing,
  - b. The docket number and title if filed in an existing docket,
  - c. The name of the party on whose behalf the document is filed,
  - d. The total number of pages in each attached document., and
  - e. A brief but complete description of each attached document.

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.

Sincerely,

Marguerite H. McLean  
 Office of Commission Clerk

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**From:** Derrill McAteer [mailto:Derrill@hoganlawfirm.com]  
**Sent:** Tuesday, December 15, 2009 10:58 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** Reference: Case No 090478-WS

Attached please find a Motion for Leave to Amend Objection from the City of Brooksville concerning the above referenced matter

12/15/2009

090478

State of Florida



RECEIVED-FPSC

09 DEC -2 PM 1:58

# Public Service Commission

CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

COMMISSION  
CLERK

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

**DATE:** December 2, 2009

**TO:** Ann Cole, Commission Clerk - PSC, Office of Commission Clerk

**FROM:** Caroline Klancke, Senior Attorney, Office of the General Counsel

**RE:** Docket No. 090478-WS - Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

Please place the attached document in the correspondence (parties and interested persons) side of the above-referenced docket file. Thank you.

CMK

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 11323.09		
DISTRIBUTION: _____		

**Caroline Klancke**

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**Subject:** Hernando County**From:** Coultas, Charles [mailto:Charles.Coultas@dep.state.fl.us]**Sent:** Friday, November 20, 2009 2:10 PM**To:** Consumer Contact**Subject:** Hernando County

Hello,

I am with the FDEP Water Supply Restoration Program. We deal with contaminated potable wells in Florida. There are 200 or so contaminated potable private wells south of Brooksville that we are dealing with. We talked to Hernando County Utilities but they were not interested in extending their water mains into this area (we could not afford to pay for the extension).

There was an article about Skyland Utilities planning/requesting to develop a water service area in Hernando County. I found the information below on your web page. Do you think this project could go through? Do you have a map of the area they want to serve?

Thank you,

Charles Coultas

850-245-8369

**090478-WS OCT 16 2009 PROG MOD B.1.(a)****COMPANY: Skyland Utilities, LLC (WS936)****OPR-ECR Application for original certificates for proposed water and wastewater system,  
OCR-N/A in Hernando and Pasco Counties, and request for initial rates and charges, by  
S/C-GCL Skyland Utilities, LLC.**

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*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

FPSC, CLK - CORRESPONDENCE  
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DOCUMENT NO. 11323.09  
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090478

RECEIVED - FPSC  
09 NOV 20 AM 9:51  
COMMISSION  
CLERK

STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

IN RE: APPLICATION OF SKYLAND  
UTILITIES, LLC, TO OPERATE A WATER  
AND WASTEWATER UTILITY IN HERNANDO  
AND PASCO COUNTIES, FLORIDA

Case No.:090478-WS

**THE CITY OF BROOKSVILLE'S OBJECTION TO APPLICATION OF  
SKYLAND UTILITIES, LLC  
AND REQUEST FOR FORMAL ADMINISTRATIVE HEARING**

1. The City of Brooksville, an incorporated municipality located within the boundaries of Hernando County, Florida ("Brooksville"), pursuant to Sections 367.045 and 365.171, Florida Statutes and Rule 25-30.031, Florida Administrative Code, hereby files its Objection to the *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* filed by Skyland Utilities, LLC (the "Application").

2. Brooksville further requests that a formal administrative hearing be held on the Application in accordance with Sections 120.569 and 120.57, Florida Statutes.

3. Brooksville hereby attaches as Exhibit "A", joins in and incorporates by reference as if stated herein *in haec verba* Hernando County's Objection to Application of Skyland Utilities, LLC and Request for Formal Administrative Hearing ("Hernando's Objection"), specifically those provisions relevant or applicable to Brooksville, including, but not limited to, Identifying the Parties, The Total Proposed Utility Territory, The Proposed Utility Area within the boundaries of Hernando County, The Proposed Utility Operation, the Funding of the Proposed Utility Operation, the Technical Experience of Skyland to Operate the Proposed Utility and other provisions stated therein as applicable.

4. Brooksville also objects to the noticing of this matter as no notice was sent to a City of Brooksville official or the City's acting counsel, the Hogan Law Firm (the undersigned). The Hogan Law Firm was notified of this issue by the Hernando County Attorney's office on November 12, 2009, and was denied an extension of time to object on November 13, 2009 by the Public Service Commission. This objection was due on Sunday, November 15, 2009.

5. Brooksville requests the same "Relief Requested" in Section V of Hernando's Objection as incorporated herein.

6. The City Limits of Brooksville are within five (5) miles of the proposed utility's service area as described in the Application, so Brooksville has standing to bring

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copy of  
filing

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{00179221}

(parties corrected to reflect Hogan Law Firm.)

STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

IN RE: APPLICATION OF SKYLAND  
UTILITIES, LLC, TO OPERATE A WATER  
AND WASTEWATER UTILITY IN  
HERNANDO AND PASCO COUNTIES,  
FLORIDA

Case No.: 090478-WS

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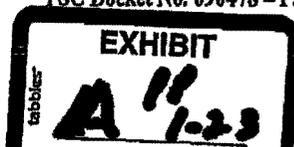
**HERNANDO COUNTY'S OBJECTION TO APPLICATION OF  
SKYLAND UTILITIES, LLC AND  
REQUEST FOR FORMAL ADMINISTRATIVE HEARING**

Hernando County, a political subdivision of the State of Florida, through counsel and pursuant to §§ 367.045, 365.171, Fla. Stat., and Rule 25-30.031, Fla. Admin. Code, hereby files its Objection to the *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* ("Application")<sup>1</sup> filed with the Public Service Commission ("PSC") by Applicant, Skyland Utilities, LLC ("Skyland").

Pursuant to § 367.045(4), Fla. Stat., Hernando County, a governmental authority, further requests that a formal administrative hearing be held on this Application in accordance with §§ 120.569 and 120.57(1), Fla. Stat.

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<sup>1</sup>/ The Application will be referred to as "App. at p. \_\_\_" and the page number(s) shall correspond to the page number(s) of the Application as found online at the PSC's online Docket in this matter (<http://www.psc.state.fl.us/dockets/cms/docketList.aspx?docketType=openWater>). Parenthesized material after App. at p. \_\_\_ will describe the document or exhibit.



## I. KEY FACTS

### A. The Parties

1. Hernando County is a political subdivision of the State of Florida in accordance with Art. VIII, § 1, FLA. CONST., and Chapter 125, Florida Statutes. Hernando County has adopted laws regarding the regulation of land use, water and wastewater. Hernando County is a non-jurisdictional county for purposes of Chapter 367, Fla. Stat.

2. Skyland is the entity that has filed the subject Application. **App. at p. 1 *et seq.*** According to the Florida Department of State, Division of Corporation's website, Skyland filed its formation papers on or about June 11, 2009.

3. Skyland is a wholly owned subsidiary of Evans Utilities Company, Inc. **App. at p.6** (Application at p. 2); *and* **App. at p. 32** (Application, Exhibit I).

4. In turn, Evans Utilities Company, Inc. is wholly owned by Evans Properties, Inc. **App. at p. 32** (Application, Exhibit I).

5. Evans Properties, Inc. ("Evans") owns all of the land inside of the service boundaries of the proposed utility. **App. at p. 17** (Application, Exhibit A at ¶ 2).

6. Evans and Skyland are affiliated/related entities. **App. at 17** (Application, Exhibit A at ¶ 2).

7. To sum up their inter-relationships in their own words: "Evans owns and controls Evans Utilities Company, Inc., which owns and controls 100% of the [Skyland

Utilities, LLC] Utility and is the sole managing member of the Utility.” App. at p. 591 (Application, Appendix – *Funding Agreement* at p. 1). As described later, Evans will be providing the land for the Utility’s operations and will be providing all of the funding for the proposed Utility.

#### **B. The Total Proposed Utility Territory**

8. All of the land owned by Evans as specifically referenced in the subject Application shall hereinafter be referred to as the “Land” or the “Total Proposed Utility Territory” as these terms may be used interchangeably. The portion of the Land situated in Hernando County shall be referred to as the “Proposed Hernando Utility Territory” and the portion of the Land situated in Pasco County shall be referred to as the “Proposed Pasco Utility Territory”.

9. The Total Proposed Utility Territory consists of approximately 4,089 acres. App. at p. 62 (Application, Appendix – *Development Phases – Draft*) and is situated primarily in rural northeastern Pasco County and rural southeastern Hernando County.

10. A portion of the Land will be leased from Evans to Skyland so that Skyland can conduct its utility operations. “Skyland will not own any of the land where the Utility’s water facilities will be located. Instead, the Utility will lease the land from the Landowner, Evans Properties, Inc.” App. at 26 (Application, Exhibit E). Similarly, “Skyland will not own any of the land where the Utility’s wastewater facilities will be

located. Instead the Utility will lease the land from the Landowner, Evans Properties, Inc.” App. at 31 (Application, Exhibit H).

11. An executed Water Lease Agreement between Evans and Skyland dated October 1, 2009 is attached to the Application. App. at pp. 556-569 (Application, Appendix – *Water Lease Agreement*). The lease was signed by Ronald L. Evans, as President of Evans Properties, Inc., and counter-signed by Ronald L. Evans, as Manager, Skyland Utilities, LLC. App. at 567 (Id.). A similar agreement dated October 1, 2009 is also provided for wastewater facilities. App. at pp. 578-590 (Application, Appendix – *Wastewater Lease Agreement*).

### C. The Proposed Hernando Utility Territory

12. The Proposed Hernando Utility Territory consists of approximately 791 acres. App. at p. 62 (Application, Appendix – *Development Phases – Draft*).

13. With the exception of one small area designated ‘Conservation,’ all of the Proposed Hernando Utility Territory is designated ‘Rural’ on the Future Land Use Map (“FLUM”) of Hernando County’s adopted Comprehensive Plan (“Comp Plan”). App. at p. 19 (Application, Exhibit B at ¶ 4).

14. Pursuant to the Comp Plan, the only uses allowed under the ‘Rural’ FLUM designation are: agricultural, agricultural commercial, recreation, and residential development with densities no greater than 1 unit per 10 acres, except in designated preexisting rural communities. (Comp Plan, Section D).

#### D. The Proposed Utility Operation

15. Pursuant to its Application, Skyland “proposes to provide potable and non-potable water and wastewater services to bulk exempt, bulk non-exempt, intensified agribusiness, residential and general service customers from the service territory described in this application.” App. at 17 (Application, Exhibit A at ¶ 1).

16. Specifically, as part of its proposed operations, Skyland indicated that it is “also considering selling bulk water.” App. at 620 (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study*) (emphasis added).

17. The proposed utility operation is planned over five phases. App. at p. 17 (Application, Exhibit A at ¶ 3); and see App. at 610 (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study*).

##### (i) Phase 1

18. Wastewater treatment and disposal for Phase 1 “will be pre-engineered wastewater treatment plants utilizing an extended aeration/MLE treatment process with percolation ponds.” App. at p. 9 (Application at p. 5). However, Skyland states that “[i]f the full extent of treatment required for future Phases has not yet been determined.” *Id.* (emphasis added).

19. According to Skyland’s Application:

“In Hernando County, Phase 1 utility services are planned for ID 2 [see Map, App. at 62] that can serve the equivalent of developing the approximately 349 acres with an allowed density of 1 dwelling unit per 10 acres or approximately 35 ERCs [Equivalent Residential Connections].

Potable water service will be provided by modifying an existing well. The existing structures will continue to utilize on-site septic systems while the remaining 33 ERCs wastewater service will be provided by the use of a low-pressure wastewater collection system and a 10,000 gallon per day (gpd) wastewater package plant utilizing Extended Aeration (EA)/Modified Ludzack-Ettinger (MLE) treatment for nitrogen removal.”

**App. at p. 21** (Application, Exhibit C at ¶ 1); *and see App. at pp. 28-29* (Application, Exhibit F, Types of Treatment and Capabilities of Facilities).

20. Skyland projects that the “[n]eed for Phase I utility services are anticipated to occur from 2010 to 2015, with 80% capacity reached in 2015. For this filing 2015 will be the Test Year.” **App. at 23** (Application, Exhibit D at ¶ 2).

21. Reuse of effluent is not part of Phase 1. **App. at 30** (Application, Exhibit G).

22. During the first five years, Skyland projects providing potable water supply to twenty (20) ERCs in year 1; twenty (20) ERCs in year 2; twenty-four (24) ERCs in year 3; twenty-seven (27) ERCs in year 4; thirty-one ERCs in year 5; and thirty-three (33) ERCs in year 6. **App. at 24** (Application, Exhibit D, Table D-2); *accord App. at 610* (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study* at p. 1).

23. It is noted by Skyland – that as of the time of filing of its Application – “there were not appropriate power sources from Florida Power & Light (FP&L) to run the water and wastewater facilities” and that discussions with FP&L were ongoing. **App. at 611** (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study* at p. 2).

(ii) Future Phases

24. “The future phases will begin upon the completion of Phase 1.” App. at 23 (Application, Exhibit D at ¶ 2).

25. However, according to the Application, “Phases II through V have not been conceptually designed at this time . . . .” App. at 23 (Application, Exhibit D at ¶ 2).

Similarly, the *Cost of Service Study*, which is a portion of the Application, states:

“It is anticipated that the future phases will be utilized in the order indicated on the proposed service area map in Appendix I and as discussed in more detail in Exhibit A. There have been no conceptual plans developed as of this time for future development phases. Where units and/or consumption have been assumed in future phases in this filing, the maximum permitted dwelling units have been used without consideration of any restrictive issues.”

App. at 610 (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study* at p. 1) (emphasis added).

(iii) Future Phases – Physical Interconnection Traversing Hernando and Pasco Counties

26. Finally, “[p]hysical interconnections will occur that traverse county lines [between Hernando and Pasco Counties] during future phases.” App. at p. 22 (Application, Exhibit C at ¶ 1, last sentence).

27. It is further noted that the two contiguous parcels that are owned by Evans and which “*could*” connect Hernando and Pasco Counties are not planned for any development as part of Phase I. See App. at 62 (Application, Appendix – *Development Phases – Draft*) (Map depicting parcels owned) and referencing text.

### **E. Funding the Proposed Utility Operation**

28. Evans will “provide the Utility with the funding necessary to build and operate the Utility System.” App. at 32 (Application, Exhibit I, at ¶ 2); App. at 35 (Application, Exhibit K); *and see* App. at 591 (Application, Appendix – *Funding Agreement*).

29. However, Skyland freely states in its Application that “Skyland has not yet begun operations and thus does not have a detailed balance sheet, a statement of financial condition, or an operating statement.” App. at 34 (Application, Exhibit J).

### **F. Technical Experience of Skyland to Operate the Proposed Utility**

30. According to the Application: “The related landowner, Evans, owns all of the land and has overseen all of the water resources within the proposed service territory. Evans has vast experience in water management through its agricultural oversight . . .” App. at 32 (Application, Exhibit I at ¶ 3). However, notably absent from the Application is any experience of Evans or Skyland in running a proposed multi-county ‘utility system’. Instead, “Evans will contract the day-to-day operations of the Utility System to a qualified company.” App. at 33 (*Id.*).

### **G. Notice**

31. This matter was not ‘flagged’ by staff for Hernando County until receiving telephone notification of this Application from Pasco County. It appears that a copy of the ‘required’ notice was sent to the Clerk’s Office without cover letter. No

individualized notice – even as a courtesy if not statutorily required – was provided to David Hamilton, the County Administrator, Joseph Stapf, the County Utilities Director, or Garth Coller, the County Attorney. By all actions to date, it appears, perhaps, that Skyland was hoping that its Application would stay off of Hernando County’s radar screen until the thirty-day objection period had expired.

#### **H. Hernando County’s Comprehensive Plan – Relevant Objectives and Policies**

32. The following goals, objectives and policies of Hernando County’s Comp Plan are relevant to the subject Application:

##### **Chapter 1: Future Land Use**

**POLICY 1.01B(6):** Allow new development within the Rural Land Use Category which is compatible with the level of public services provided. The County will not provide water, sewer, transportation, or other infrastructure to support urban development in the Rural Land Use Category so that urban development can be directed into those areas which are planned to receive such services.

**POLICY 1.01B(7):** The County shall establish a procedure to evaluate the potential conversion of agricultural lands to non-agricultural uses which incorporate a site assessment process that considers the following:

- a. Adjacent land uses;
- b. Viability of adjacent parcels for continued or future agricultural use;
- c. Compatibility of proposed use with existing land characteristics;
- d. Comprehensive development plans;
- e. Available infrastructure;

f. Viability of the subject site including soils

**POLICY 1.01T(1):** Limit the potential for urban sprawl by establishing services in areas adjacent to concentrated growth.

**POLICY 1.01T(2):** Provide infrastructure for future development within areas of facility availability and investment in accordance with long range plans by the County for providing potable water, sanitary sewer, transportation and other facilities at planned levels of service and timing. Infrastructure for future development will be provided within the Residential, Commercial, Industrial, and Planned Development District Category areas indicated on the Future Land Use Map. The County may manage the timing of infrastructure availability within these areas to influence the timing and location of development.

**POLICY 1.01T(4):** Hernando County shall discourage the urban sprawl development pattern characterized as functionally unrelated to or integrated with other surrounding development. The following are representative characteristics of the urban sprawl development pattern:

- a. Leap frog development which is not contiguous to, or in close proximity to, existing urban infrastructure which requires costly public investments to provide such urban services for development.
- b. Linear or strip development that expands along major roadways beyond urban infrastructure causing the degradation of roadway capacity and incompatibility of adjoining land uses.
- c. Single dimensional development lacking supportive services.

**POLICY 1.01T(8):** Planning for water and sewer facilities will be consistent with the areas planned for urban development and designated on the Future Land Use Map.

**OBJECTIVE 1.01U PROVIDE FOR THE DEVELOPMENT OF MECHANISMS TO LOCATE PUBLIC FACILITIES IN SUCH A MANNER AS TO EFFECTIVELY AND EFFICIENTLY SERVE EXISTING AND**

**PROJECTED DEVELOPMENT AND MINIMIZE THE FACILITIES' IMPACT ON NEARBY NATURAL RESOURCES AND EXISTING LAND USES.**

**POLICY 1.01U(1):** The location of major public facilities shall be approved only after adequate opportunity has been provided for public review and comment.

**POLICY 1.01U(2):** As part of the major public facility locational review process, a statement of impact shall be prepared for new facilities describing the current condition of adjacent natural resources and land uses, the projected impact of the proposed facility on these adjacent areas and how the projected impact will be mitigated or minimized.

**Chapter 5: Sanitary Sewer**

**OBJECTIVE 4.01A:** THE COUNTY SHALL CONTINUE TO DEVELOP A WASTEWATER SERVICE PLAN FOR A TWENTY (20) YEAR PERIOD AT FIVE (5) YEAR INTERVALS TO BE UPDATED ANNUALLY WHICH EVALUATES THE DEMANDS AND SUPPLY OF WASTEWATER TREATMENT FACILITIES AND ESTABLISHES CRITERIA AND COSTS FOR THE DEVELOPMENT OF SERVICE AREAS WHICH DISCOURAGES URBAN SPRAWL.

**POLICY 4.01A(2):** The County will initiate the construction of wastewater treatment facilities based on the Wastewater Service Plan as required in Objective 4.01A.

**POLICY 4.01A(5):** All future wastewater collection and treatment systems within Hernando County should be owned and operated by or under contract with Hernando County, the Hernando County Water and Sewer District, or a municipality within Hernando County.

**Chapter 8: Potable Water**

**OBJECTIVE 4.11G** THE COUNTY SHALL PLAN FOR BUILDING NEW WATER SUPPLY FACILITIES OVER AT LEAST A TEN YEAR PLANNING PERIOD AS NECESSARY TO SERVE EXISTING AND NEW DEVELOPMENT.

**POLICY 4.11G(1):** The County shall utilize the following work plan in meeting this objective:

- a) The Hernando County Utilities Department or other appropriate agency shall prepare, and update as necessary, water supply plans to project and meet the needs of existing and new development within the urban growth areas designated by the Residential, Commercial, Industrial, and Planned Development District categories on the Future Land Use Map.
- b) The Water Resources Assessment Project (WRAP) model will be regularly calibrated and utilized to evaluate the impacts of development and provide guidance for development of water supply facilities.
- c) The Capital Improvements Element and Capital Improvements Plan as updated annually will be utilized to plan and program water supply facility projects and expenditures utilizing a five year planning period.
- d) Water supply planning will consider and coordinate with the Southwest Florida Water Management District's adopted water management plan, or regional water supply plan, should a regional water supply plan be adopted for that portion of the district which includes Hernando County.
- e) The demands of natural systems will be considered.
- f) Water supply planning conducted by the County will utilize a public participation process.

**POLICY 4.11G(2):** Water supply plans developed and updated hereunder, along with the adopted Capital Improvement Plan, shall be utilized to guide the location and timing of land development requiring potable water service.

**POLICY 4.13A(1):** Public Facility Zoning Approval shall be required prior to the construction of any major potable water well fields to review the

impacts on surrounding and proposed land uses and the aquifer and require mitigation of significant negative impacts.

POLICY 4.13A(4): With the exception of cities within Hernando County, the County will be the sole franchiser of water production or supply.

POLICY 4.13B(6): Hernando County shall provide for the development of water supplies to meet the demands of existing and projected populations within the County. Development of water supplies will be in accordance with the statutorily mandated Minimum Flows and Levels established by the Southwest Florida Water Management District to protect the water resources of the citizens of Hernando County.

## **II. GOVERNING LAW**

33. This matter is governed by Chapters 120, 125, 163 (Part II), and 367, Fla. Stat., Rule Chapters 25-22 and 25-30, Fla. Admin. Code, Florida decisional law, and established principles of statutory interpretation.

## **III. OBJECTIONS TO APPLICATION OF THE PROPOSED UTILITY**

34. Paragraphs 1 thru 33 above are incorporated herein by reference as if fully set forth herein.

### **A. Siting of Skyland Utility Where Proposed in Hernando County is Inconsistent with Hernando County's Adopted Comprehensive Plan**

The Proposed Hernando County Utility Territory is in a rural and largely undeveloped region of the County. The siting of a public water and/or wastewater utility system in this region violates the 'Rural' FLUM designation assigned to the Evans' properties.

Additionally, the proposed Utility violates numerous other objectives and policies of the Comp Plan as listed in Section I.H. above, without limitation.

**B. Proposed Utility will be in Competition with and/or Duplication of an Existing Utility Operated by Hernando County Water and Sewer District**

Currently, the Proposed Hernando Utility Territory is wholly within the service district of the Hernando County Water and Sewer District ("HCWSD"). HCWSD is governed by the locally elected Board of County Commissioners, a public body politic. The geographic service area and jurisdiction of HCWSD is clearly established and codified at Chapter 28 of the Hernando County of Ordinances.

Conversely, Skyland has not adequately demonstrated that its current needs over the next six year planning horizon (this was the time period it used in its Application and *Skyland Utilities, LLC Cost of Service Study*) could not be satisfied by HCWSD and/or existing permitting policies for private wells, septic and package treatment plant systems.

**C. Approving the Proposed Utility is NOT in the Public Interest**

First, just based on the four corners of the Application, the proposed utility cannot be cost effective or efficient by providing centralized utility service to houses with a density of less than one unit per ten (10) acres and to non-contiguous parcels. Of the 791 acres in Hernando owned by Evans, Skyland proposes only approximately 155 connections in the first five or six years of operations. Public interest is promoted by cost effective and efficient utility systems. Public interest is not served if persons residing in a certain geographic area of the county, *i.e.* southeastern Hernando County, who are

subjected to the future jurisdiction of the proposed Utility must pay higher water and wastewater rates due to lack of cost effectiveness, inefficiency, lack of economies of scale and/or the inexperience of the owner. (See facts set forth in Sections I.D, I.E and I.F, *supra*).

Second, the Proposed Hernando Utility Territory is wholly within the service district of the HCWSD, therefore, it is not in the public interest to duplicate or overlap utility service providers.

Third, as previously stated, it is not in the public interest to violate the goals, objectives and policies of Hernando County's adopted Comp Plan.

Fourth, it is not in the public interest to promote "urban sprawl" by encouraging new development and growth to occur prematurely in an area that is presently rural and largely undeveloped and without proper planning and infrastructure in place including roads, utility network, urbanized services and adequate electric power, without limitation. The presence of centralized water and sewer would encourage other development to occur in a leap frog and unplanned manner.

Fifth, it is not in the public interest to delete or reduce the service territory of the Hernando County Water and Sewer District if the geographic area being deleted was contemplated as being served in connection with bonds that have been issued or planned and the potential impact to the bondholders resulting from diminution of the secured interests.

Sixth, the public is currently served by an elected group of public officials who oversees HCWSD and they have local input into rates and regulations. It is not in the public interest to reassign a rural geographic segment of Hernando County to a private utility – with no known utility experience – to provide service. Especially since there has been no public demand for such service. Conversely, the person or entity (Evans) that is requesting private service from Skyland is the same entity that wholly owns the entity that wholly owns Skyland. Evans will also be leasing the land to Skyland to run the proposed utility system and Evans will be funding Skyland.

Lastly, adequate potable water supply is an important and valuable commodity to Hernando County and its residents. The possibility of this commodity being sold in bulk and pumped out of Hernando County violates the public interests of Hernando County and its residents and violates the doctrine of ‘local sources first’. (See facts set forth in Sections I.D, I.E and I.F, *supra*).

**D. Proposal by Skyland is Not a Utility Providing Service to the “The Public” “For Compensation” as Required by Chapter 367, Fla. Stat.**

Here, the entity/person requesting the utility service is the same entity which owns the proposed utility, which is the same entity leasing the land to Skyland and which is the same entity that will be funding Skyland. (See facts set forth in Section I.B and I.E., *supra*). Chapter 367 defines ‘Utility’ to mean “a water or wastewater utility . . . who is providing, or proposes to provide, water or wastewater service to the public for compensation.” § 367.021(13), Fla. Stat. (emphasis added). The term “for

compensation” also begs the question as to who is paying whom when one examines the inter-relationships between Evans Properties, Inc., Evans Utilities, Inc. and Skyland Utilities, LLC. In this regards, it is noted that the proposed Funding Agreement (App. at p. 591) was signed by Ronald L. Evans, as President of Evans Properties, Inc., and counter-signed by Ronald L. Evans, as Manager, Skyland Utilities, LLC. Accordingly, the term “the public” envisions a broader base than oneself (or a closely related/affiliated entity or alter ego) and “for compensation” envisions something more than shifting balance sheets among related entities. Skyland has not adequately demonstrated that it will be serving the “the public” “for compensation”.

**E. Mere Speculation to Provide Cross-County Service does Not Constitute “Transversing” for purposes of § 367.171(7), Fla. Stat. – PSC Lacks Jurisdiction over Hernando County, a Non-Jurisdictional County**

As explained in Hernando County’s *Motion to Dismiss* dated November 13, 2009 as separately filed in this matter (the content and arguments contained therein are incorporated into this pleading by reference as if fully set forth herein), the PSC lacks jurisdiction to grant the relief requested in Skyland’s Application. No infrastructure owned or controlled by Skyland currently traverses any border between Hernando County and Pasco County. The actual existence – and transversing – of such infrastructure is a prerequisite to the exercise of jurisdiction by the PSC over a water or wastewater utility situated in a non-jurisdictional county.

Moreover, the actual transversing of lines between Hernando and Pasco Counties is extremely speculative including when and how it might occur. Skyland admits in its application that no planning, design or exact timing has been planned for future phases (see facts set forth in Section I.D., *supra*). Skyland further admits that any transversing of county boundaries will not occur until some future phase. *Id.* Surely the PSC should not use the weight of the State to override Hernando County's primary jurisdiction based upon the mere recitation of Skyland that it intends to transverse County lines at some point after the 2015 year as part of a Phase not yet planned or designed and for which the number of users or capacity demands have not been calculated.

Accordingly, the PSC lacks the necessary jurisdiction to grant Skyland's application as pertaining to Hernando County. See *Hernando County v. Public Service Commission*, 685 So.2d 48, 51-52 (Fla. 5<sup>th</sup> DCA 1996).

#### **F. OBJECTIONS RAISED BY PASCO COUNTY**

Hernando County hereby incorporates by reference, as if fully set forth herein, all objections timely raised by Pasco County and any other objector in this matter to the extent applicable to Hernando County.

#### **IV. REQUEST FOR FORMAL ADMINISTRATIVE HEARING INVOLVING DISPUTED ISSUES OF MATERIAL FACT**

In the event the PSC does not dismiss Skyland's Application for lack of jurisdiction over Hernando County or, in the alternative, summarily deny Skyland's

Application, then Hernando County makes demand for a formal administrative proceeding in accordance with §§ 120.569 and 120.57(1), Fla. Stat.

- A. The affected agency is the Florida Public Service Commission.
- B. The name, address and telephone number of the Applicant, Skyland Utilities, LLC, is set forth in the Application. App. at 1 *et seq.* The name address of Hernando County and other parties entitled to notice are set forth in the signature block and certificate of service at the end of this document.
- C. Petitioner, Hernando County, received notice as described in Section I.G.
- D. In the event that the PSC does not dismiss, or summarily deny, Skyland's

Application, then the following issues of material fact are in dispute:

- (i) Whether Skyland's Application comports with all of the requirements set forth in § 367.045, Fla. Stat. and Rule 25.30.033, Fla. Admin. Code;
- (ii) Whether the siting of the Utility where proposed by Skyland will violate Hernando County's adopted Comprehensive Plan;
- (iii) Whether the siting of the Utility where proposed by Skyland will encourage "urban sprawl" in southeastern Hernando County;
- (iv) Whether the Utility proposed by Skyland will compete with and/or duplicate the services of the Hernando County Water and Sewer District;

- (v) Whether the Utility proposed by Skyland is in the Public Interest or, in the alternative, whether the proposed Utility violates the Public Interest;
- (vi) Whether the Utility proposed by Skyland will impact any existing or contemplated bond as issued by Hernando County and/or the Hernando County Water and Sewer District;
- (vii) Whether the Utility proposed by Skyland will be serving “the public” for purposes of Chapter 367, Fla. Stat., if the provider and intended user are related or affiliated entities or alter egos;
- (ix) Whether the Utility proposed by Skyland will be operating “for compensation” for purposes of Chapter 367, Fla. Stat., if the provider and intended user are related or affiliated entities or alter egos;
- (x) Whether an applicant’s mere *statement of intent* to “transverse” pipes across county lines at some undefined point in the future – in connection with some future Phase of development not yet conceptualized, planned or designed – is sufficient for the Public Service Commission to usurp the jurisdiction of a sovereign non-jurisdictional county under the guise of § 367.171(7), Fla. Stat.; and,

(xi) All disputed issues of material fact timely raised by Pasco County and any other objector to this proceeding.

E. Hernando County restates and incorporates by reference, as ultimate facts, all facts and matters set forth in Section I above (Paragraphs 1 thru 32) as if fully set forth herein.

F. This matter is governed by Chapters 120, 125, 163 (Part II) and 367, Fla. Stat., Rule Chapters 25-22 and 25-30, Fla. Admin. Code, Florida decisional law, and established principles of statutory interpretation.

G. Petitioner, Hernando County, seeks the relief requested immediately below.

#### **V. RELIEF REQUESTED**

WHEREFORE, Hernando County prays for the entry of an Order:

1. Dismissing Skyland's *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* for lack of jurisdiction pursuant to § 367.171, Fla. Stat.; or,
2. Alternatively, if jurisdiction is rendered, deny the Application; or,
3. If the PSC will not dismiss or summarily deny the Application, then PSC is requested to refer this matter to formal administrative hearing pursuant to §§ 120.569 and 120.57(1), Fla. Stat.; and,
4. Granting such other and further relief as the Public Service Commission deems just and proper consistent with the foregoing.

**Dated: November 13, 2009.**

Respectfully submitted,



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Geoffrey T. Kirk, Esq. (FBN 861626)  
Jon A. Jouben, Esq. (FBN 149561)  
Garth Coller, Esq. (FBN 37849)  
County Attorney  
20 N. Main Street, Suite 462  
Brooksville, FL 34601  
(352) 754-4122  
(352) 754-4001 Fax  
Counsel for Hernando County

### **CERTIFICATE OF SERVICES**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent, in the manner stated below, to all persons listed below, this 13<sup>th</sup> day of November, 2009.



---

Geoffrey T. Kirk, Esq.

Joseph D. Richards  
Senior Assistant County Attorney  
Pasco County  
7530 Little Road, Suite 340  
New Port Richey, Florida 34654  
(by U.S. Mail)

Director, Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
(by filing original with Clerk *via* hand delivery)

Caroline Klancke  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399  
(by hand delivery)

Michael Milton, Esq.  
Dean, Mead, Minton & Zwemer  
1903 South 25<sup>th</sup> Street, Suite 200  
Fort Pierce, Florida 34947  
(by U.S. Mail)

Ronald Edwards, Manager  
Skyland Utilities, LLC  
660 Beachland Blvd., Suite 301  
Vero Beach, FL 32963  
(by U.S. Mail)

J.R. Kelly, Public Counsel  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(by U.S. Mail)

this objection. Moreover, the proposed utility may interfere or unfairly compete with Brooksville's First Right to Serve Area concerning potable water.

7. In light of the late and possibly deficient notice granted Brooksville to respond to the Application, Brooksville asks that this filing be accepted as a placeholder in the event that any substantive or procedural defects are noted, so that Brooksville may be allowed to amend this objection by a date certain.

Submitted November 13, 2009.

**s/Derrill Lee McAteer**  
Derrill Lee McAteer (FBN 0628972)  
Hogan Law Firm  
City Attorney  
20 South Broad Street  
Brooksville, FL 34601  
Phone (352) 799-8423  
Fax: (352) 799-8294

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent to the following this 13<sup>th</sup> day of November, 2009, by electronic filing (to the Clerk of the PSC) and U.S. Mail to all others listed below.

**s/Derrill Lee McAteer**

Joseph D. Richards  
Senior Assistant County Attorney  
Pasco County  
7530 Little Road Suite 340  
New Port Richey, FL 34654

Director, Division of Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Caroline Klancke  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Michael Milton, Esq.  
Dean, Mead, Minton and Zwerner  
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Fort Pierce, FL 34947

Ronald Edwards, Manager  
Skyland Utilities, LLC  
660 Beachland Boulevard, Suite 301  
Vero Beach, FL 32963

J.R. Kelley, Public Counsel  
Office of the Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399

Garth Coller  
Hernando County Attorney  
20 N. Main Street  
Brooksville, FL 34601

**Ruth Nettles**

090478

**To:** Caroline Klancke  
**Subject:** RE: 090478

Thank you for your help, Caroline.

Ruth

*Done  
11/20/09  
RWN*

**From:** Caroline Klancke  
**Sent:** Friday, November 20, 2009 9:00 AM  
**To:** Ruth Nettles  
**Subject:** RE: 090478

Please place the letter of protest in the pleadings side of the docket file. Please also list CoPower as an "interested person" in the docket file. Since their protest was not timely, I am conferring with the utility regarding whether they intend to object to their inclusion as a party in this docket. Once this issue has been resolved, I will advise you further re their status. Thank you.

**From:** Ruth Nettles  
**Sent:** Thursday, November 19, 2009 3:33 PM  
**To:** Caroline Klancke  
**Subject:** 090478

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 11323-09		
DISTRIBUTION: _____		

Hi Caroline,

Yesterday, we processed a memo from you with an attached letter from CoPower for inclusion in the docket file. Today, I received the original letter via mail. Incidentally, this letter is also in the consumer correspondence file that was forwarded from SSC. I wanted to know where you'd like for us to place this letter on the documents side or consumer correspondence?

Thank you very much for your help.

Ruth Nettles  
Commission Deputy Clerk II  
Office of Commission Clerk  
850-413-6770

**PARTIES****Dorothy Menasco**

090478-WS

**From:** Dorothy Menasco  
**Sent:** Monday, November 16, 2009 11:48 AM  
**To:** 'jrichards@pascocountyfl.net'  
**Cc:** Marguerite McLean; Katie Ely; Ann Cole  
**Subject:** FW: E-filing of Pasco County's Objection in Docket # 090478  
**Attachments:** Pasco Petition Docket 090478.pdf

Mr. Richards:

We note that the attached filing was correctly filed electronically at [filings@psc.state.fl.us](mailto:filings@psc.state.fl.us). However, a copy was also forwarded to the Records Clerk. Please note that if you file attached documents to be placed in a specific docket file, they should only be filed at [filings@psc.state.fl.us](mailto:filings@psc.state.fl.us). A link to the Commission's e-filing requirements is included for your convenience: <http://www.psc.state.fl.us/dockets/e-filings/>

The document received at [filings@psc.state.fl.us](mailto:filings@psc.state.fl.us) has been processed and assigned DN 11309-09. The copy of the e-mail received at [clerk@psc.state.fl.us](mailto:clerk@psc.state.fl.us) will not be processed.

Please call our office if you have any questions regarding the filing process.

*Dorothy Menasco*  
*Chief Deputy Commission Clerk*  
*Florida Public Service Commission*  
*Office of Commission Clerk*  
 850-413-6770

---

**From:** Katie Ely **On Behalf Of** Records Clerk  
**Sent:** Friday, November 13, 2009 3:03 PM  
**To:** Marguerite McLean; Dorothy Menasco; Ruth Nettles  
**Subject:** FW: E-filing of Pasco County's Objection in Docket # 090478

Katie Ely  
 Staff Assistant - Office of Commission Clerk  
 Florida Public Service Commission  
 850-413-6304

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

---

**From:** Joseph Richards [mailto:[jrichards@pascocountyfl.net](mailto:jrichards@pascocountyfl.net)]  
**Sent:** Friday, November 13, 2009 2:59 PM  
**To:** [filings@psc.state.fl.us](mailto:filings@psc.state.fl.us)  
**Cc:** Records Clerk; Caroline Klancke; 'Geoffrey Kirk'; Linda Strumski; Bruce Kennedy  
**Subject:** E-filing of Pasco County's Objection in Docket # 090478

Joseph D. Richards

11/16/2009

DOCUMENT NUMBER-DATE

11323 NOV 16 8

FPSC-COMMISSION CLERK

Senior Assistant County Attorney  
Pasco County, Florida  
West Pasco Government Center  
7530 Little Road, Suite 340  
New Port Richey, Florida 34654  
727-847-8120  
[jrichards@pascocountyfl.net](mailto:jrichards@pascocountyfl.net)

Docket # 090478, Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

Filed on behalf of Pasco County, Florida.

The attached document is nine (9) pages.

The attachment contains Pasco County's Objection to the Skyland Utilities application on the basis of, among other things, a direct conflict with the Pasco County Comprehensive Plan, the Pasco County Code of Ordinances and the Pasco County Utilities Capital Improvement Plan. Pasco County also requests an administrative hearing on this matter. Pasco County requests denial of the application.

Thank you.