

Ruth Nettles

090478-WS

From: Geoffrey Kirk [gkirk@co.hernando.fl.us]
Sent: Wednesday, February 10, 2010 2:10 PM
To: Filings@psc.state.fl.us
Cc: Geoffrey Kirk
Subject: Electronic filing in Case No. 090478-WS
Attachments: Hernando-County-List-of-Issues-021010.pdf

Case No. 090478 - WS

In re Application of Skyline Utilities, LLC

Attached for filing is *Hernando County's "List of Issues"*

Respectfully submitted,

s/Geoffrey T. Kirk

Assistant County Attorney

Hernando County

(352) 754-4122

<<Hernando-County-List-of-Issues-021010.pdf>>

DOCUMENT NUMBER-DATE

00920 FEB 10 2

FPSC-COMMISSION CLERK

2/10/2010

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

HERNANDO COUNTY'S¹ "LIST OF ISSUES"

Hernando County, a political subdivision of the State of Florida, through counsel and pursuant to Rule Chapters 25-22 and 28-106, Fla. Admin. Code, pre-files its "List of Issues" (i.e. list of disputed issues of material fact):

- (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 & Sewer District;
- (v) Whether the Utility proposed by Skyland is in the Public Interest or, in the alternative, whether the proposed Utility violates Public Interest;

¹/ Hernando County Water and Sewer District and Utility Regulatory Authority join herein.

DOCUMENT NUMBER-DATE

10920 FEB 10 9

FPSC-COMMISSION CLERK

- (vi) Whether the Utility proposed by Skyland will impact any existing or contemplated bond as issued by Hernando County and/or Hernando County Water & 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 use are related or affiliated entities or alter egos;
- (ix) Whether the Utility proposed by Skyland will be serving operating “for compensation” for purposes of Chapter 367, Fla. Stat., if the provider and intended use are related or affiliated entities or alter egos;
- (x) Whether an applicant’s mere *statement of intent* to “transverse” actual service 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 raised by Pasco County, City of Brooksville and/or any other objector to this proceeding.

All of the foregoing issues were timely preserved (identified and included within *Hernando County’s Objection to Application of Skyland Utilities, LLC and Request for Administrative Hearing* filed in this matter on November 13, 2009. *Cf.* Fla. Admin. Code R. 25-22.029(3) (issues in PSC proceeding not identified are deemed stipulated).

Dated: February 10, 2010.

Respectfully submitted,

s/Geoffrey T. Kirk

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Counsel for Hernando County, Hernando County
Water and Sewer District, and Hernando County
Utility Regulatory Authority.

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 10th day of February, 2010.

s/Geoffrey T. Kirk

Geoffrey T. Kirk, Esq.

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and Administrative Services
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