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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
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GENERAL COUNSEL
(850) 413-6199

Public Service Commission

November 1, 2010

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CLERK

Florida Keys Aqueduct Authority
James C. Reynolds, Executive Director
Post Office Box 1239
1100 Kennedy Drive
Key West, FL 33041-1239

Re: Docket No. 100065-SU - Application for certificate to provide wastewater service in Monroe County by Venture Out at Cudjoe Cay, Inc.

Dear Mr. Reynolds:

The Florida Public Service Commission is in receipt of your September 24, 2010 letter of objection to the issuance of original wastewater certificate to Venture Out at Cudjoe Cay, Inc. (Venture Out). In your letter, you state that Florida Keys Aqueduct Authority (Authority) objects to the issuance of a certificate to Venture Out, but you did not request an administrative hearing before the Public Service Commission pursuant to Sections 120.569 and 120.567, Florida Statutes. I need to understand whether you are requesting a hearing or whether your letter of objection is for purposes of informing the Commission of the Authority's concerns regarding the issuance of a wastewater certificate to Venture Out.

If a governmental agency merely objects to the issuance of the certificate, the letter of objection is placed in the docket file here at the Commission, and remains available for review and informational purposes. If a governmental agency timely objects to the issuance of a certificate and requests a hearing, that government agency becomes a party to the proceeding and is entitled to a full evidentiary hearing before the Commission. The utility will also be a party to the proceeding. If the Authority chooses to ask for a hearing, it will have certain rights and responsibilities to put forward its case, including filing written testimony, participating in motion practice and formal discovery, and attending the hearing where the Authority's witnesses would possibly be subject to cross-examination.

Staff has determined that Venture Out is an exempt entity under Commission statutes and has provided a recommendation to the Commission. That recommendation is attached. The Commission will consider staff's recommendation, and presentations by Venture Out or other interested persons, including the Authority's, at its November 9, 2010 Commission Conference. If the Authority is sending a representative, please contact me in advance.

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November 1, 2010

After reviewing the above, please let me know no later than November 8, 2010, if you intend to pursue a full evidentiary hearing or if you wish your letter to be placed in the docket file to be considered by the Commission in its decision to grant or deny an original certificate to Venture Out at Cudjoe Cay. If you have not responded by November 8, 2010, your letter will be placed in the docket file and we will not pursue an evidentiary hearing. After you have reviewed this letter if you have any additional questions, you may contact me at 850-413-6230.

Sincerely,

A handwritten signature in cursive script that reads "Lisa C. Bennett".

Lisa C. Bennett
Senior Attorney

LCB:th

Attachment

cc: Office of Commission Clerk (without attachment)
Division of Economic Regulation (M. Golden, K. Kaproth, J. Slemkewicz, J. Williams)
(without attachment)
Venture Out at Cudjoe Cay, Inc. (K. Grube) (without attachment)