

Diamond Williams

100330-WS

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Sent: Friday, March 18, 2011 1:08 PM
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Subject: Aqua Utilities Florida, Inc. Rate Action (Dkt. No. 100330-WS)
Attachments: 3269_001.pdf

Electronic Filing

a. Person Responsible for this electronic filing:

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b. Docket No. 100330-WS

In Re: Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

c. Document being filed on behalf of YES Communities, Inc. d/b/a Arredondo Farms

d. There is a total of 3 pages

e. The document attached for electronic filing is YES Communities, Inc. d/b/a Arredondo Farms' Motion to Substitute Yes Companies, LLC for Yes Communities, Inc. as Intervening Party in Relation to Arredondo Farms Mobile Home Park

Thank you for your cooperation and attention to this matter.

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3/18/2011

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water/wastewater Rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

Docket No. 100330-WS

Filed: March 18, 2011

MOTION TO SUBSTITUTE YES COMPANIES, LLC FOR YES COMMUNITIES, INC. AS INTERVENING PARTY IN RELATION TO ARREDONDO FARMS MOBILE HOME PARK

Intervener, Yes Communities, Inc. d/b/a Arrendondo Farms, by and through its undersigned counsel, files this its Motion to Substitute Yes Companies, LLC d/b/a Arrendondo Farms for Yes Communities, Inc. d/b/a Arrendondo Farms as Intervening Party in Relation to Arrendondo Farms Mobile Home Park and in support states:

1. On or about June 15, 2010, Aqua Utilities Florida, Inc. ("Aqua") informed the Florida Public Service Commission ("PSC") of its intention to submit an application of general rate relief for its water and wastewater systems in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties ("Rate Case").

2. On January 31, 2011, Yes Communities, Inc. d/b/a Arrendondo Farms ("Yes Communities") filed a Motion for Intervention on behalf of what is known as the Arrendondo Farms Mobile Home Park ("Park") located in Alachua County, Florida. The Park consists of 445 mobile home lots along with various common area elements and facilities. Aqua supplies the water and wastewater to all of the mobile home lots and the common area elements and facilities.

3. On February 8, 2011, in response to Aqua's Response in Opposition to the Motion to Intervention and to alleviate the concerns of Aqua, Yes Communities filed an Amended Motion for Intervention to clarify its original Motion for Intervention, give Aqua additional notice of Yes Communities' position, and alleviate any alleged prejudice that Aqua may suffer by giving additional information in relation to the Motion for Intervention and in accordance with Rule 28-106.201 (2), Fla.Admin.Code.

4. On March 8, 2011, Yes Communities' Motion for Intervention was granted. Upon receipt of the Order Granting Intervention, the undersigned counsel realized that due to a mistake Yes Communities was listed as the owner of the Park in the Motions for Intervention, however, Yes Companies, LLC d/b/a Arrendondo Farms ("Yes Companies") is the actual owner of the Park and should have originally been listed in the Motions for Intervention. This is a simple mistake and there is no resulting prejudice to Aqua or any other person or entity.¹

5. As a result of this mistake, Yes Communities seeks to substitute Yes Companies as the true intervener and party of interest in this case.

WHEREFORE, Intervener, Yes Communities, Inc. d/b/a Arrendondo Farms, respectfully requests that the Public Service Commission grant its Motion to Substitute Yes Companies, LLC d/b/a Arrendondo Farms for Yes Communities, Inc. d/b/a Arrendondo Farms as Intervening Party in Relation to Arredondo Farms Mobile Home Park, hold that all prior pleadings and filings by Yes Communities, Inc. d/b/a Arrendondo Farms shall be deemed to have been in the name of Yes Companies, LLC d/b/a Arrendondo Farms, that henceforth all pleadings by Intervener shall be in the name of

¹ Yes Companies is a foreign entity which is registered to do business in the State of Florida under the name of "Yes Communities Companies, LLC" which further led to the mistake and name confusion.

Yes Companies, LLC d/b/a Arrendondo Farms, and any further relief that is necessary,
just and proper.

Respectfully submitted,

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By: s/ Kenneth M. Curtin
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FL Bar No. 087319
Attorneys for Intervener

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via email (where provided below) and U.S. Mail on March 18, 2011 to: **Kimberley A. Joyce, Esq.**, Aqua American, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010 kajoyce@aquaamerica.com; **D. Bruce May, Jr., Esq.**, P.O. Box 810, Tallahassee, Florida 32302-0810 (bruce.may@hklaw.com); **J.R. Kelly, Esq. and Patty Christensen, Esq.**, Office of Public Counsel, c/o Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399-1400 (KELLY.JR@leg.state.fl.us) and CHRISTENSEN.PATTY@leg.state.fl.us; **Robert Lloyd**, P.O. Box 63, Captiva, Florida 33924 (Rlloyd1@aol.com); **William Coakley**, 5934 Lake Osborne Drive, Lantana, Florida 33461 (wco@comcast.net); **David L. Bussey**, 4948 Britni Way, Zephyrhills, Florida 33541 dbussey@hotmail.com.

s/ Kenneth M. Curtin
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