

**THE LOCURTO LAW FIRM, P.A.**  
**2804 Remington Green Circle**  
**First Floor**  
**Tallahassee, FL 32308**  
**Phone (850)566-1601 Fax (850)727-8656**  
**Web: [www.locurtolaw.com](http://www.locurtolaw.com)**  
**Email: [cvl@locurtolaw.com](mailto:cvl@locurtolaw.com)**

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October 21, 2011

HAND DELIVERY

Ms. Ann Cole  
Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: 1<sup>st</sup> District Court of Appeal Case No. 1D11-1656-Water Management  
Services, Inc. vs. Florida Public Service Commission (Docket No. 100104-WU)

Dear Ms. Cole:

As we discussed yesterday, the page numbers which your office assigned to the record on appeal do not match the page numbers of the electronic filing. Pursuant to your suggestion, I have attached the first page from three of the 14 volumes as shown by the index, and I have noted the electronic filing page number on each one to show the difference. The basic problem is that the record has not been consecutively numbered as required by Rule 9.200(d)(1)(B) of the Appellate Rules.

The index shows 2,806 pages, but the actual record as electronically filed and numbered by the 1<sup>st</sup> DCA consists of 8,529 pages. None of the page numbers match the electronic filing, so it will be all but impossible for me or any of the other counsel to prepare a brief which must cite and refer the Court to specific pages as shown in the electronic record.

To solve this problem, I would suggest:

- (1) That the entire record be renumbered consecutively, and that the 4 volumes of hearing transcript shown as "Attachment One" should be placed at the end as the last 4 volumes. Each volume that replaces "Attachment One" should include an index as to the exhibits in that volume. The index should include a reference to the first page of each exhibit. The parties and the Appellate Court personnel

DOCUMENT NUMBER-DATE

07730 OCT 21 =

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Ms. Ann Cole  
Page Two  
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should not have to search through thousands of pages to locate a particular exhibit. This should include each cover sheet and each index, although I do not see the point of including the entire index with each volume. The index with each volume should include only an index of what is in that volume. The overall index should be included once and it should also be consecutively numbered.

- (2) That the documents included as "Attachment Three" and "Attachment Two" should be included after what is now shown as Volume 14. These would be additional volumes not to exceed 200 pages each. All of the documents in those additional volumes should be consecutively numbered so that the numbers shown on each document page will match the numbers shown in the electronic filing.
- (3) Rule 9.200(d)(1)(A) says that the transcript (Attachment One) "shall be incorporated at the end of the record, and shall not be renumbered by the clerk." I would not suggest that you renumber the transcript pages, but I do suggest that you provide supplemental numbers in sequence after the rest of the record so there will be some way for counsel and others to refer to a page of the transcript as shown in the electronic filing.

This is simply my suggestion to solve the problem. The main point is to prepare the record so the entire record, now 8,529 pages, is numbered consecutively page by page and divided into separate volumes not to exceed 200 pages each.

Please feel free to call me if we need to discuss this matter further. If possible, I would like an opportunity to review the revised record before it is refiled.

Sincerely,

  
C. Vincent LoCurto

Enclosures

cc: Water Management Services, Inc.  
Rosanne Gervasi, Office of the General Counsel  
Samantha Cibula, Office of the General Counsel  
Joseph McGlothlin, Office of the Public Counsel  
J. R. Kelly, Public Counsel

**FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
DOCUMENT FILINGS FOR DOCKET 100104-WU  
(ALL DOCUMENTS)**

DOCUMENT ONLINE	DOCUMENT TYPE	DOCUMENT NUMBER	DATE FILED	DOCUMENT DESCRIPTION
Yes	Regular Document Filing	01568-10	03/08/2010	Water Management Services, Inc. [WMSI] (Scoles) - Copy of letter dated 3/8/10 to Chairman Argenziano requesting approval of test year for rate increase in Franklin County.
Yes	Docket Correspondence	01575-10	03/08/2010	Docket correspondence - Administrative. [CLK note: Subsequent administrative correspondence will be appended to this document.]
Yes	Regular Document Filing	02482-10	04/05/2010	Chairman Argenziano - Copy of letter dated 4/2/10 to WMSI/Scoles responding to letter dated 3/8/10 regarding a proposed rate case; requesting complete petition, MFRs, and filing fee be filed no later than 5/25/10; the official filing date will be the date that complete corrections to deficiencies, if any, are filed.
Yes	Regular Document Filing	04382-10	05/25/2010	WMSI (Scoles) - Letter dated 5/25/10 forwarding application for interim and permanent increase in rates and charges and increased service availability charges, MFRs, maps, tariffs, filing fees, direct testimony, and exhs.
Yes	Regular Document Filing	04383-10	05/25/2010	WMSI (Scoles) - Application for interim and permanent increase in rates and charges and increased service availability charges; with attached Exhs A; B and D-G. [CLK note: Exh C (map) forwarded to ECR.]
Yes	Regular Document Filing	04384-10	05/25/2010	WMSI (Scoles) - Financial, rate and engineering MFRs, Vol I, for test year ended 12/31/09. [CLK note: Exh FS-2 to direct testimony of Frank Seidman consists of DNs 04384-10, 04385-10, and 04386-10; See DN 05315-10 for updated pages.]
Yes	Regular Document Filing	04385-10	05/25/2010	WMSI (Scoles) - Financial, rate and engineering MFRs, Vol II, for test year ended 12/31/09. [CLK note: Exh FS-2 to direct testimony of Frank Seidman consists of DNs 04384-10, 04385-10, and 04386-10.]
Yes	Regular Document Filing	04386-10	05/25/2010	WMSI (Scoles) - Financial, rate and engineering MFRs, Vol III, for test year ended 12/31/09. [CLK note: Exh FS-2 to direct testimony of Frank Seidman consists of DNs 04384-10, 04385-10, and 04386-10.]
Yes	Regular Document Filing	04387-10	05/25/2010	WMSI (Scoles) - Detailed map showing location and size of applicant's distribution and collection lines as well as its plant site, location, and respective classification of applicant's customers, Exh C [to application for interim and permanent increase in rates and charges and increased service availability charges] [CLK note: Map forwarded to ECR.]
Yes	Regular Document Filing	04388-10	05/25/2010	WMSI (Scoles) - [Direct] testimony of Frank Seidman and Exhs FS-1 and FS-3. [CLK note: Exh FS-2 consists of DNs 04384-10, 04385-10, and 04386-10.]
Yes	Regular Document Filing	04389-10	05/25/2010	WMSI (Scoles) - [Direct] testimony of Gene D. Brown.
Yes	Regular Document Filing	04390-10	05/25/2010	WMSI (Scoles) - Revised tariff sheets reflecting the proposed interim rates. [CLK note: Original and 2 copies of tariff forwarded to ECR.]
Yes	Regular Document Filing	04391-10	05/25/2010	WMSI (Scoles) - Revised tariff sheets reflecting the proposed permanent rates. [CLK note: Original and 2 copies of tariff forwarded to ECR.]
Yes	Regular Document Filing	04503-10	05/28/2010	ADM/Fiscal - \$3,500 and 1,750 payments record from WMSI for rate case filing fees; Dep 046 dated 6/1/10.

## STATE OF FLORIDA WELL INVENTORY AND INSPECTION SCHEDULE

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PERMIT NUMBER/SITE IDENTIFICATION (Bóided information in this column must be filled out completely)	WELL INFORMATION (Information in this column should be filled out if possible)
<p>1. FLORIDA UNIQUE LD. _____</p> <p>2. NWFWMID CPS LD.: <u>No permit</u></p> <p>3. NWFWMID WI LD.: _____</p> <p>4. NWFWMID WU LD.: _____</p> <p>5. DEP PWS LD.: _____</p> <p>6. ALT. DEP LD.: _____</p> <p>7. HRS LD.: _____</p> <p>8. WELL NAME (if any): _____</p> <p>9. SYSTEM NAME (if any): _____</p> <p>10. Land Net <u>1/4</u> <u>1/4</u> <u>1/4</u> of Sec            T _____ (N or S) R _____ (E or W)</p> <p>Altitude _____ 7.5 Minute Quad _____</p>	<p>16. Method of Construction: <u>ST?</u></p> <p>AU - Air Rotary AB - Augered/Bored BB - Ball Bucket            CO - Combination CT - Cable Tool DR - Driven DU - Dug            HR - Hydraulic Rotary JT - Jetted RR - Reverse Rotary OT - Other</p> <p>17. Use of Site:</p> <p>A - Properly Abandoned C - Core D - Drainage            M - Monitor/Observation P - Oil/Gas R - Return            S - Standby T - Test U - Unused            W - Withdrawal X - Waste Disposal/Injection            Z - Destroyed O - Other</p> <p>18. Use of Water:</p> <p>AI - Agricultural Irrigation AQ - Aquaculture AR - Aquifer Recharge            AS - Aesthetic CO - Commercial DI - Diversion/Impoundment            DM - Domestic/Mult. Family DG - Domestic DW - Dewatering Wells            ES - Essential Service FP - Freeze Protection GI - Golf Course Irrigation            HR - Heat Pump Recharge HS - Heat Pump Supply IH - Industrial            LI - Landscape Irrigation LJ - Livestock LP - Limited Use PS            MI - Mining MO - Monitor NA - Navigation            NI - Nursery Irrigation OO - Other Outside Use PF - Perishable Food            PP - Power Production PS - Public Supply RI - Recreation Irrigation            RW - Restoration Well SF - Soil Flooding SN - Saturation            TE - Test WR - Water Based Recreation</p> <p>19. Type of Lift:</p> <p>A - Air B - Bucket C - Centrifugal            J - Jetted P - Piston S - Submersible            T - Turbine N - No Pump Z - Other</p> <p>20. Type of Power:</p> <p>D - Diesel E - Electric G - Gasoline            H - Hand Z - Other</p> <p>21. Horse Power: _____ 22. Pump Intake Depth: _____</p> <p>23. Normal Yield: _____</p> <p>24. Method of Measurement:</p> <p>B - Bailer C - Coriolis Meter E - Estimated M - Totalling Meter            O - Orifice R - Reported T - Trajectory V - Volumetric            Z - Other</p> <p>25. Water Levels:</p> <p>A - Measuring Point Distance from Land Surface            B - Water Level below Land Surface</p> <p>26. Method of Measurement:</p> <p>E - Estimated G - Pressure Gauge L - Geophysical Log R - Reported            S - Steel Tape A - Air Line T - Electric Tape Z - Other</p> <p>27. Diameter: <u>1 1/4</u> 28. Well Depth: _____</p> <p>29. Depth of Casing: _____</p> <p>30. Source of Well Information: _____            (Field Measurement, Logging Equipment, Permit, Other)</p> <p>31. Casing Material:</p> <p>P - PVC S - Steel C - Concrete            B - Brick Z - Other</p> <p>32. Screened Length: _____</p> <p>33. Screened Intervals: _____</p> <p>34. Finish:</p> <p>B - Screen O - Open End X - Open Hole Z - Other</p>
<p>11. OWNER'S NAME: <u>?</u></p> <p>12. Mailing Address: _____</p> <p>City: _____</p> <p>State: _____ Zip: _____</p> <p>County: _____ Phone: _____</p> <p>13. WELL ADDRESS (Location): <u>132</u>  <u>Franklin Blvd</u>            City: <u>S.T. George Island</u>            Zip: _____            County: <u>Frank</u> Phone: _____</p>	
<p>14. SCHEDULE FILLED OUT BY:</p> <p>NAME: <u>T. Shepard</u></p> <p>AGENCY: _____</p> <p>DATE: _____ PHONE: _____</p> <p>15. GPS INFORMATION PROVIDED BY:</p> <p>NAME: _____</p> <p>AGENCY: _____</p> <p>DATE: <u>40-10-05</u> PHONE: _____</p> <p>DATUM: _____ (Default WGS 84)</p> <p>EST. ACCURACY: _____ (&lt;1, 1-3, 3-5, &gt; 5 Meters)</p> <p>GPS LATITUDE: <u>29 39 49.34</u></p> <p>GPS LONGITUDE: <u>84 51 50.77</u></p>	

Please return to: Northwest Florida Water Management District, Division of Resource Regulation  
 152 Water Management Drive, Havana, FL 32333

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COMMISSION  
CLERK

DISTRICT COURT OF APPEAL  
FIRST DISTRICT  
STATE OF FLORIDA  
TALLAHASSEE, FLORIDA 32399-0950

JON S. WHEELER  
CLERK OF THE COURT

100104-WU

11 MAR 31 AM 7:21

(850) 488-6151

March 30, 2011

Ann Cole, Clerk  
Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RE: Water Management Services Inc. v. Florida Public Service Commission  
CASE NUMBER: 1D11-1656  
Lower Case Number : 100104-WU

Dear Ann Cole, Clerk:

As Clerk of the Court, I acknowledge receipt of the Notice of Appeal in this Administrative action, filed in this court on 3/29/2011, and in the lower tribunal on 3/29/11. Receipt number N/A for the filing fee attached.

In the future, pleadings and correspondence filed in this cause must contain this Court's case number.

Before this case can be assigned to a panel of judges for consideration, **the Docketing Statement must be completed and filed with this court by the petitioner.** Respondent/Amicus needs to review the information on the petitioner's Docketing Statement and file a Docketing Statement, if required, as explained in the attached Docketing Statement or Notice. If the court determines that this case requires expedited emergency consideration, the case may be reviewed before receipt of the Docketing Statement.

Sincerely yours,

Jon S. Wheeler  
Clerk of the Court

DOCUMENT NUMBER - CAT  
02095 MAR 31 =  
FPSC-COMMISSION CLERK

Copies: Maggie McCall Moody  
Mary Ann Helton  
Ralph R. Jaeger

Erik Saylor  
Curt Kiser

Joseph A. Mcglothlin  
J. R. Kelly

Electronic Page 2802

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