

SPECIAL REPORT



MAY 2001 NO. 21

Applications for Certificates to Operate a Water and Wastewater Utility by **Nocatee Utility Corporation and Intercoastal Utilities, Inc.**

On June 1, 1999, Nocatee Utility Corporation (NUC) filed an application with the Florida Public Service Commission (PSC) for certificates to provide water and wastewater service to a proposed development known as Nocatee. Plans for the development, to be located in Duval and St. Johns counties, include construction of 14,000 homes and apartments, 650 hotel rooms, 250,000 square feet of industrial space, 1 million square feet of retail space, and 4 million square feet of office space. According to its application, NUC proposes to provide service to Nocatee through a bulk water, wastewater and reuse agreement with JEA (formerly known as the Jacksonville Electric Authority).

On June 30, 1999, another water and wastewater company, Intercoastal Utilities, Inc. (Intercoastal), filed a protest to NUC's application and requested a formal hearing. In its protest, Intercoastal stated that it had an application pending before the St. Johns County Commission to provide service to the St. Johns County portion of the area located in NUC's application.

Intercoastal's application was later rejected by the St. Johns County Commission. Afterward, on December 30, 1999, Intercoastal filed an application with the PSC requesting an amendment of its certificates in order to expand its existing service territory to include the entire Nocatee development and some additional land in St. Johns County. By Order No. PSC-00-0210-PCO-WS, issued February 2, 2000, the NUC and Intercoastal application dockets were consolidated.

St. Johns County subsequently filed a motion to dismiss Intercoastal's application, stating, among other things, that the PSC does not have jurisdiction to regulate water and waste water utilities in St. Johns County. Later, several other Florida counties — Sarasota, Hillsborough, Collier and Citrus — filed petitions to intervene in the docket, and argued for dismissal of both companies' PSC applications on similar jurisdictional grounds.

At its June 19, 2000, Special Agenda Conference, the PSC determined that it does have jurisdiction to consider NUC's and Intercoastal's applications because both utilities are proposing service that will transverse county boundaries. The PSC also denied the counties' motions to dismiss the applications.

After several motions for continuance were granted by the PSC, Order No. PSC-01-0543-PCO-WS was issued March 7, 2001.

Under this order, hearing dates were scheduled for May 7-9, 2001. The customer hearings listed below are being conducted near the proposed development to hear and respond to public comments regarding NUC's application to provide water and wastewater service to the Nocatee development and Intercoastal's application to extend its current service area to provide service to the Nocatee development and some additional area in proximity to Nocatee. In accordance with Florida Statutes, the PSC will consider quality of service and other matters in this case.

PSC staff is scheduled to make a recommendation to the Commission on July 12, 2001, and the Commission vote is scheduled for the July 24, 2001, Agenda Conference.

CUSTOMER HEARINGS

DOCKET NO. 990696-WS
DOCKET NO. 992040-WS

Monday, May 7, 2001

10 a.m. and 7 p.m.

Clarion Hotel Banquet Room
1300 Ponce DeLeon Blvd.
St. Augustine, Florida

PSC Staff & Reference Numbers

For technical questions, contact:

Billie Messer (850) 413-6990

For legal questions, contact:

Samantha Cibula (850) 413-6202

For general questions, contact:

Barry Ray (850) 413-6111

Or call toll-free 1-800-342-3552
(1-800-511-0809 to fax)

E-Mail: contact@psc.state.fl.us

Internet Home Page: <http://www.floridapsc.com>

PSC COMMISSIONERS



Chairman Jacobs

E. Leon Jacobs, Jr. was appointed by the late Governor Lawton Chiles to a four-year term beginning in January 1998, and is currently serving a two-year term as Chairman of the Commission. Prior to his appointment, he was a staff attorney for the House Committees on Tourism and Economic Development, Insurance, and Financial Services in the Florida House of Representatives. There, he authored reforms to the state's minority business enterprise programs, as well as managing health insurance and workers' compensation issues. He also was staff counsel to the Florida Senate Committee on Reapportionment, addressing redistricting issues, which involved support of court appeals of the political districts up through the U.S. Supreme Court. In addition, he was an attorney with the Florida Public Service Commission, where he served as counsel to Commission staff and litigator of administrative proceedings. He is Chairman of the National Association of Regulatory Utility Commissioners' (NARUC) Committee on Consumer Affairs and a member of NARUC's Committee on Electricity. Chairman Jacobs also served as a member of the Distributed Energy Advisory Committee of the Consumer Energy Council of America Research Foundation, and served as a member of the National Drinking Water Advisory Council Small Systems Implementation Working Group. He is also a volunteer guardian in the Guardian Ad Litem Program in the Second Judicial Circuit. Additionally, Chairman Jacobs formerly chaired NARUC's Ad Hoc Task Force on Y2K Readiness, and formerly served as President of the Board of Directors of the Tallahassee affiliate of Habitat for Humanity. Chairman Jacobs is a member of the Florida Bar. He received a bachelor of technology/science degree, with honors, in data processing from Florida A&M University, and received his juris doctorate from the College of Law at Florida State University. Chairman Jacobs is married with two children.



Commissioner Deason

J. Terry Deason was first appointed to the Commission by the Florida Public Service Commission Nominating Council in January 1991 for a term ending in January 1995. He was subsequently reappointed by the late Governor Lawton Chiles for a term ending in January 1999. Commissioner Deason was then reappointed by Governor Jeb Bush to his current term, which ends in January 2003. Commissioner Deason has served as Chairman of the Commission on two occasions, from January 1993 to January 1995, and from July 2000 to January 2001. Commissioner Deason is an active member of the National Association of Regulatory Utility Commissioners (NARUC). He currently serves on NARUC's Board of Directors, its Finance and Technology Committee, and its Utility Association Oversight Committee. Prior to his appointment, he served as Chief Regulatory Analyst in the Office of Public Counsel. In that capacity, he was responsible for the coordination of accounting and financial analysis used by the Public Counsel in cases before the Public Service Commission, presented testimony as an expert witness, and consulted with the Public Counsel on technical issues and ratemaking policies concerning regulated utilities in the State of Florida. From 1981 to 1987, Commissioner Deason served as Executive Assistant to PSC Commissioner Gerald L. Gunter, during which time he reviewed and analyzed staff recommendations and advised the Commissioner on those recommendations and other pertinent policy determinations. From 1977 to 1981, he served as a Legislative Analyst with the Office of Public Counsel. He attended the U.S. Military Academy at West Point, and in 1975 received his bachelor of science degree in accounting, summa cum laude, from Florida State University. He also received his master of accounting degree from FSU in 1989.



Commissioner Jaber

Lila A. Jaber was appointed to the Florida Public Service Commission by Governor Jeb Bush in February 2000 to complete a term ending in January 2001. She was reappointed by Governor Jeb Bush for a term ending in January 2005. From April 1999 to November 1999, she served as Assistant to Florida Public Service Commissioner Julia L. Johnson. From 1994 to 1999, Commissioner Jaber served as a Bureau Chief with the PSC's Division of Legal Services, Bureau of Water and Wastewater, implementing law and policies on the regulation of more than 1,500 water and wastewater facilities throughout the state of Florida. She also served as an attorney with the Division of Legal Services from 1991 to 1994. Commissioner Jaber is a court-certified mediator and a member of the Florida Bar and the National Bar Association. She serves on the National Association of Regulatory Utility Commissioners' Committee on Telecommunications and the Committee on Consumer Affairs. Commissioner Jaber also serves as co-chair of the Infrastructure Subcommittee for the Information Service Technology Development Task Force. In November 2000, she was appointed by the Federal Communications Commission to the Federal-State Joint Conference on Advanced Services. She received a bachelor of arts degree in political science and business from Stetson University in DeLand, and received a juris doctorate from the Stetson University College of Law in St. Petersburg.



Commissioner Baez

Braulio L. Baez was appointed on August 23, 2000, to the Florida Public Service Commission by Governor Jeb Bush to complete a term ending in January 2002. Prior to his appointment, Commissioner Baez was an attorney in Miami with a statewide practice representing municipal and county governments in telecommunications, cable franchising and other regulatory matters. He served as Executive Assistant to Florida Public Service Commissioner Joe Garcia from 1994 to 1998. A native of South Florida, Commissioner Baez received his undergraduate degree from Florida International University in 1988, and his juris doctorate from Nova University, Shepard Broad Law Center, in 1993. Commissioner Baez is a current member of the Florida Bar, the American Bar Association, the Federal Communications Bar Association, the International Municipal Lawyers Association and the National Association of Telecommunications Officers and Administrators. He is also a past Director of the Hispanic Bar Association, 2nd Judicial District, and serves on the National Association of Regulatory Utility Commissioners' Committee on Electricity.



Commissioner Palecki

Michael A. Palecki was appointed to the Florida Public Service Commission by Governor Jeb Bush on November 20, 2000, to complete a term ending in January 2003. From 1995 until his appointment, Commissioner Palecki was Manager of Regulatory Affairs for NUI Corporation, where he practiced before the New York, Pennsylvania, Maryland, North Carolina and Florida Public Service Commissions. He also served as Secretary of the Associated Gas Distributors of Florida, and was on the Board of Directors of the Florida Natural Gas Association. From 1989 to 1995, Commissioner Palecki was an attorney for the Florida Public Service Commission, and was promoted to Chief of the Electric and Gas Bureau in the Legal Division in 1990. Prior to that, he was an attorney for the State Fire Marshal's Office, where he prosecuted arsons and fire-related murders statewide. He also worked with a major law firm, where he represented 23 insurance companies in over 100 arson and fraud cases. He became president of the Florida Advisory Committee on Arson Prevention, and was a founding partner of FireDogs, a company that pioneered the training and use of canines to "sniff" for evidence of arson at fire scenes. Commissioner Palecki also worked for the State Attorney's Office in Polk County, and for the Florida Attorney General's Office, where he argued and won over 300 criminal cases, including the U.S. Supreme Court case of Tibbs v. State, preserving Florida's right to retry defendants after appellate reversal of conviction. Commissioner Palecki is a 1976 graduate of the Stetson University College of Law. He is a member of the Florida Bar and is admitted to practice in several federal courts, including the U.S. Supreme Court.

Consumer Statements at PSC Hearings

The PSC is interested in what consumers have to say about the applications for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation and Intercoastal Utilities, Inc. The main purpose of these hearings is to receive comments from the public.

Anyone may make a statement, and speaking is an effective way to let the Commission know how you feel about the case under review. Those consumers who wish to speak should arrive early. The hearings will begin as scheduled and continue until all the consumers have been heard.

At the beginning of the hearings, procedures will be set up to establish an order for comments. PSC staff will have sign-up sheets, and consumers will be called in the order of those sheets. PSC staff will be available to coordinate consumer comments and assist members of the public.

Any person who wishes to comment or provide information to the PSC staff may do so at the hearings, orally or in writing. Written comments also may be sent to the Commission at: Florida Public Service Commission, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Your letter will be placed in the correspondence files of these dockets (Docket Nos. 990696-WS and 992040-WS). For your convenience, a comment form is attached to this Special Report. You may also call the Commission's toll-free number, **1-800-342-3552**, or dial **1-800-511-0809** to fax.

Any person who is unable to attend and who wishes to obtain a copy of the recommendation or the order may do so by writing to: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850.

Florida Public Service Commission *Bureau of* **Consumer Information**

2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 184
Tallahassee, Florida 32399-0850

The Public Service Commission's Bureau of Consumer Information provides a staff of information specialists who are available to answer questions from the media and from Florida consumers.

To reach a PSC media representative, please call the Bureau of Consumer Information during business hours at (850) 413-6100 or send a fax to 1-800-511-0809. See the PSC's Internet home page at <http://www.floridapsc.com>.

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Division of Records and Reporting
2540 Shumard Oak Boulevard
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