

LAW OFFICES
ROSE, SUNDSTROM & BENTLEY
A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

(904) 877-6555

SCANNED
ORIGINAL
FILE COPY

ROBERT A. ANTISTA
CHRIS H. BENTLEY, P.A.
F. MARSHALL DETERDING
MARTIN S. FRIEDMAN, P.A.
JOHN R. JENKINS
ROBERT M. C. ROSE, P.A.
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON

MAILING ADDRESS
POST OFFICE BOX 1567
TALLAHASSEE, FLORIDA 32302-1567
TELECOPIER (904) 656-4029

October 13, 1993

JOHN R. WODRASKA
SPECIAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

VIA HAND DELIVERY

Mr. Steve Tribble, Director
Division of Records & Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

RE: Turkey Creek Utilities, Inc.
Docket No. [REDACTED]

Dear Mr. Tribble:

Enclosed please find the original and eight copies of the Prehearing Statement of Turkey Creek Utilities which is being filed on behalf of our client, Turkey Creek Utilities, Inc.

Should you have any questions or concerns regarding the above, please do not hesitate to contact me at your earliest convenience.

- JK _____
- FA _____
- PP _____
- AF _____
- MU _____
- TR _____
- AG _____
- EG 1
- IN 3 JLW/lm
- OPC _____ Encl.
- RCH _____
- SEC 1
- WAS _____
- OTH _____

Sincerely,

ROSE, SUNDSTROM & BENTLEY



John L. Wharton, Esq.
For The Firm

IN RE: Application for certificates)
to provide water and wastewater)
service in Alachua County under)
grandfather rights by TURKEY CREEK,)
INC. & FAMILY DINER, INC. d/b/a)
TURKEY CREEK UTILITIES)
_____)

DOCKET NO. 921098-WS

PREHEARING STATEMENT OF TURKEY CREEK UTILITIES

Turkey Creek Utilities ("Turkey Creek"), pursuant to Rule 25-22.038(3) and Order No. PSC-93-1151-PCO-WS hereby files its Prehearing Statement and would state as follows:

A. The name of all known witnesses that may be called by the party, and the subject matter of their testimony;

Norwood Hope: Mr. Hope will testify regarding the PSC grandfathering process as experienced by Turkey Creek Utilities and the rates, fees, charges, and conditions of service which were in place at the utility on the date the Commission assumed jurisdiction over utilities in Alachua County.

B. A description of all known exhibits that may be used by the party, whether they may be identified on a composite basis, and the witness sponsoring each;

- NH-1 (Exhibit "A") - Certain maps regarding Turkey Creek's territory
- NH-2 (Exhibit "B") - Turkey Creek's application for a grandfather certificate
- NH-3 (Exhibit "C") - Minutes of Special Meeting of Board of Directors
- NH-4 (Exhibit "D") - Comparison between the City's rates and Turkey Creek's rates

NH-5 (Exhibit "E") - Comparison between Turkey Creek's rates and various other utility rates

NH-6 (Exhibit "F") - Certain out-of-pocket costs for meter and meter installation

NH-7 (Rebuttal Ex.)- Notice supplied to the customers by the City of Alachua

C. A statement of basic position in the proceeding;

Under Chapter 367 and the Commission's well-established precedent and policy, Turkey Creek's rates, fees, charges, and conditions of service were entitled to be grandfathered as those rates, fees, charges and conditions of service existed on June 30, 1992. Instead, the staff of the Commission recommended, and the Commission proposed to implement, substantial revisions of these rates, fees, charges and conditions of service based on arbitrary and capricious criteria which were inconsistent with Commission precedent and policy.

D. A statement of each issue of fact the party considers at issue, the party's position on such issues, and which of the party's witnesses will address the issue;

Norwood Hope will testify as to each issue of fact the party considers at issue, to be supplemented by the deposition testimony of the staff's witness. The only issue of fact at issue is: What were the rates, fees, charges and conditions of service in place at Turkey Creek Utilities on June 30, 1992?

E. A statement of each question of law the party considers at issue and the party's position on such issues;

1. Did the Commission "grandfather" Turkey Creek Utilities pursuant to an illegal rule or an unpromulgated rule?

2. Did the Commission fail to grandfather Turkey Creek Utilities in compliance with the law and Commission policy and precedent?

3. Did the Commission and its staff propose to implement rates, fees, charges and conditions of service at Turkey Creek pursuant to an illegal policy and/or upon reliance upon arbitrary and capricious criteria?

• It is Turkey Creek's basic position that each of the above questions should be answered in the affirmative.

F. A statement of each policy question the party considers at issue, the party's position on such issue, and which of the party's witnesses will address the issue;

The only policy question at issue is: What was the Commission's policy with regard to grandfather certificates for water and sewer utilities and did the Commission act in conformance with that policy in its Proposed Agency Action for Turkey Creek Utilities?

Turkey Creek's basic position is that the Commission did not act in conformance with its policy in grandfathering Turkey Creek under PSC jurisdiction.

G. A statement of issues that have been stipulated to by the parties;

As of this time, no issues have been stipulated to by the parties.

H. A statement of all pending motions and other matters the party seeks action upon; and

Other than Turkey Creek's pending Motion For Continuance, based upon the utility's sale to the City of Alachua, Turkey Creek is aware of no other pending motions or other matters and seeks action upon no motions or other matters.

I. A statement as to any requirements set forth in this Order that cannot be complied with, and the reasons therefore.

Turkey Creek is unaware of any requirements set forth in the Order that cannot be complied with.

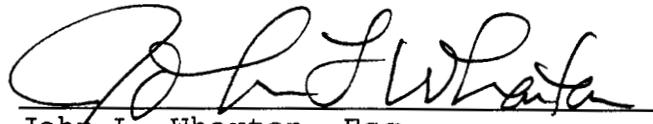
DATED this 13th day of October, 1993.



John L. Wharton, Esq.
ROSE, SUNDSTROM & BENTLEY
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(904) 877-6555

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by Hand Delivery to Catherine Bedell, Esq., Division of Legal Services, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32301 and by regular U.S. Mail to Stephen C. Reilly, Esq., Office of Public Counsel, 111 West Madison Street, Room 812, Tallahassee, FL 32399-1400 and Peter C.K. Enwall, P.A., 211 NE First Street, Gainesville, FL 32602 on this 13th day of October, 1993.


John L. Wharton, Esq.