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August 22, 1996

SENT BY AIRBORNE EXPRESS

Director of Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0870

RE: Application for Amendment of Certificate 427-W  
PSC File number ~~960866~~-WU

Dear Sir:

On behalf of our client, the City of Ocala, a Florida municipal corporation (the "City"), we file this written objection pursuant to Section 367.045, Florida Statutes, and Rule 25-30.031, Florida Administrative Code, to the Application for Amendment of Certificate 427-W, PSC file number 960866-WU, and request a proceeding pursuant to Section 120.57, Florida Statutes.

The City is a municipality affected by the requested amendment in that it provides service to a portion of the area sought to be served by the amendment, has proposed an amendment to its comprehensive plan to serve other areas covered by the amendment, has passed an ordinance under Chapter 180, Florida Statutes, to provide service to portions of the area covered by the amendment, and has entered into an agreement to serve the proposed customer whose existence the applicant claims is the basis for the amendment.

## Objection

The City objects to the amendment and states that the Application therefor fails to comply with Section 367.045, Florida Statutes, and Rule 25-30.036, Florida Administrative Code in that:

1. The Application fails to contain information required by Section 367.045 and Rule 25-30.036.
2. The Application fails to contain an accurate description of the territory proposed to be served as required by Subsection (3)(e)<sup>1</sup> of Rule 25-30.036. Specifically, the legal description contained in Exhibit "E" to the Application does not conform with the map of the proposed service area attached to the Application as Exhibit "D" but rather describes other land.

<sup>1</sup> All references to Subsection \_\_\_ shall hereafter refer to the specified subsection to Rule 25-30.036. Thus, a citation to Subsection (3)(e) refers to Rule 25-30.036 (3)(e).

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3. Improper notice of the Application was given pursuant to Section 367.045(1)(a) and Rule 25-30.300, in that notice was not given to customers in the area described in the legal description attached to the Application as Exhibit "E."
4. The Application fails to contain a statement regarding the need for service in the proposed territory as required by Subsection (3)(b). The justification set forth in Exhibit "A" to the Application inaccurately states the basis for an extension of applicant's service area. First of all, it inaccurately interprets the requirements of the Marion County Land Development Code. Secondly, it states that the justification for the extension "is a 44 single family unit development proposed within the proposed service area which will be in need of water service before the end of 1996." This development, known as "Brookstone," occupies a small portion of the proposed expanded service area and cannot constitute a justification for the bulk of the expansion. Further, as applicant is aware, the City and Brookstone's developer have agreed that the City, not applicant, will provide water and sewer service to the development. Thus, Brookstone provides no justification for the proposed expansion, and the Application contains no sufficient additional information regarding the need for service in the proposed territory.
5. The Application fails to contain a statement showing the financial and technical ability of the utility to provide services as required by Subsection (3)(d).
6. The Application fails to contain a statement that, to the best of the applicant's knowledge, the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan at the time the Application was filed as required by Subsection (3)(c). Although the Application states that such a statement is included in the attached Exhibit "A", no statement is, in fact, included in Exhibit "A" to the Application.
7. The Application fails to contain a statement describing the proposed type of water service to be provided by the extension pursuant to Part III A)(1) of the Application.
8. The Application fails to contain a statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension as required by Subsection (3)(j).
9. The Application fails to contain a description of the types of customers anticipated to be served by the extension as required by Subsection (3)(m). Although Exhibit "A" to the Application refers to a "44 single family unit development" to be served in part of the area (and, as set forth above, City, not applicant, will be providing service to that development), there is no description of the types of customers to be served in the remainder of the proposed territory.
10. The Application fails to contain a statement as to the applicant's technical and financial ability to render reasonably sufficient, adequate and efficient service as required by Subsection (3)(b) and Part IV (A) of the Application.

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11. The Application fails to contain a detailed statement regarding the proposed method of financing the construction, and the projected impact on the utility's capital structure as required by Subsection (3)(l).
12. The Application fails to contain a statement regarding the projected impact of the extension on the utility's monthly rates and service availability charges as required by Subsection (3)(n).
13. The Application fails to contain a copy of an official county tax assessment map or other map showing township, range and section, and conforming to the requirements of Subsection (3)(I), on which the proposed territory to be added or deleted is plotted, as required by Subsection (3)(i). Further, the map that is attached as Exhibit "D" does not depict the property which is described in the legal descriptions for the proposed territory set forth in Exhibit "E" to the Application.
14. The Application fails to contain a copy of a detailed map showing proposed lines of facilities of the territory proposed to be served as required by Subsection (3)(f).

**Request for Information Concerning Agency Action**

Further, City requests that:

1. City become a party to any administrative proceeding arising out of this Application.
2. City receive copies of all correspondence to and from applicant concerning this Application.
3. City receive notice of proposed agency action concerning this Application.
4. City receive a clear point of entry concerning any formal administrative proceeding concerning this Application.

Thus, City objects to the Application and requests a proceeding pursuant to Section 120.57, Florida Statutes.

Sincerely,

GILLIGAN AND KING, P.A.

  
W. James Gooding III

cc: F. Marshall Deterding, Esquire  
Rose, Sundstrom & Bentley, P.A.  
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