







Section 1 - Bureau of Records and Hea Services Completes

Docket No. 030542-WS Date Docketed: 06/17/2003 Title: Application for acknowledgement of transfer of Nassau County land and facilities to Nassau County and for cancellation of Certificate Nos. 171-W and 122-S, by Florida Water Services Corporation  
 Company: Florida Water Services Corporation  
 Nassau County

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_  
 Referred to: \_\_\_\_\_  
 ("O") indicates OPR

AUS	CAF	CCA	CMP	(ECR)	EXT	GCL	MMS	PIF
				X		X		

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module B1(e); B1(f)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff S Clapp, K Kaproth

Staff Counsel R Jaeger

OCRs \_\_\_\_\_

	Current CASR revision level	Due Dates	
		Previous	Current
1. Staff Recommendation	2	09/04/2003	10/09/2003
2. Agenda		09/16/2003	10/21/2003
3. Standard Order		10/06/2003	11/10/2003
4. Close Docket or Revise CASR		11/07/2003	12/10/2003
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 09/03/2003

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	JB	DS	BZ	BD	DV	Exam	
X							

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	BD	DV	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]  
 Date: Pending 9/17/03

Section 1 - Bureau of Records and Hearings Services Completes

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Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_  
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 Referred to: \_\_\_\_\_  
 ("O" indicates OPR)

AUS	CAF	CCA	CMP	(ECR)	EXT	GCL	MMS	PIF
				X		X		

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

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 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff S Clapp, K Kaproth

**3** Current CASR revision level Due Dates

Staff Counsel R Jaeger

OCRs

	Previous	Current
1. *Staff Recommendation	09/04/2003	10/09/2003
2. *Agenda (Deferred to 11/3/03)	09/16/2003	10/21/2003
3. Staff Recommendation	NONE	11/20/2003
4. Agenda (Deferred from 10/21/03)	11/03/2003	12/02/2003
5. Standard Order	11/24/2003	12/22/2003
6. Close Docket or Revise CASR	12/24/2003	01/27/2004
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 10/22/2003

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	JB	DS	BZ	BD	DV	Exam	
X							

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	BD	DV	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]  
 Date: Pending 11/14/03

C

STATE OF FLORIDA

COMMISSIONERS:

LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

June 20, 2003

Kenneth A. Hoffman, Esquire  
Rutledge, Ecenia, Purnell & Hoffman, PA  
Post Office Box 551  
Tallahassee, Florida 32302-0551

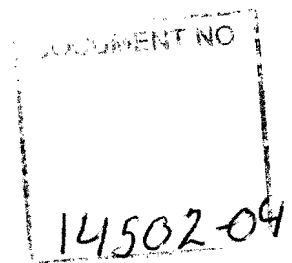
Re: Docket No. 030542-WS

Dear Mr. Hoffman:

This will acknowledge receipt of an application for acknowledgment of transfer of Nassau County land and facilities to Nassau County and for cancellation of Certificate Nos. 171-W and 122-S, by Florida Water Services Corporation, which was filed in this office on June 17, 2003, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission



Matilda Sanders

0948-PCO

From: Janice Banka  
Sent: Thursday, August 21, 2003 9:18 AM  
To: CCA - Orders / Notices  
Subject: Order to be issued today

5

RECEIVED FPSC  
03 AUG 21 AM 10:52  
COMMISSION  
CLERK

Docket No. 030542-WS  
File Name: ABPOAorder2.wpd  
Order Denying Amended Petition for Leave to Intervene.  
HAND DELIVER/SIGNED

Number of pages in order - 5.

Thanks "J"

Janice R. Banka  
Deputy Clerk  
Florida Public Service Commission  
Office of the General Counsel  
Economic Regulation Section  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0863  
850-413-6210  
850-413-6211 FAX  
jbanka@psc.state.fl.us

4/2

Per Ralph Jaeger:  
Co. name changed  
on pg. 3.

ALL

In Agrico, at 482, the Second District Court of Appeal set forth the two-pronged test for standing in an administrative proceeding. First, the petitioner must show that it will suffer injury in fact which is of sufficient immediacy to entitle it to a Section 120.57, Florida Statutes, hearing; and, second, that its substantial injury is of a type or nature which the proceeding is designed to protect. The first aspect deals with the degree of injury suffered and the second deals with the nature of the injury or the so-called "zone of interest." In Village Park Mobile Home Assoc. Inc. v. Dept. of Business Regulation, 506 So. 2d 426, 433 (Fla. 1<sup>st</sup> DCA 1987), the First District Court of Appeal states:

In order to satisfy this first aspect of the Agrico standard, a petitioner must allege with specificity either: 1) an actual injury in fact at the time the petition is filed; or 2) that the petitioner is immediately in danger of sustaining some direct injury as a result of an agency's action. . . . The injury or threat of injury must be both real and immediate, not conjectural, hypothetical or abstract.

Florida Water argues that ABPOA has alleged "no damages or loss of any kind - immediate or speculative." Having considered the Amended Petition and Florida Water's Response in Opposition, I find that ABPOA has failed to demonstrate a possible injury that is real and immediate and not conjectural. Therefore, intervention must be denied because ABPOA has not met the first prong of Agrico. In consideration of all of the foregoing, ABPOA's Amended Petition to Intervene is denied for lack of standing.

Based upon the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the Amended Petition for Leave to Intervene filed by the American Beach Homeowners' Association is denied.



Matilda Sanders

PSC-03-1040-PCO-WS

From: Janice Banka  
Sent: Thursday, September 18, 2003 4:05 PM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

Date and Time: 9/18/2003 4:03:00 PM  
Docket Number: 030542-WS  
Filename / Path: 030542nassauorder.rj  
Order Type: Signed / Hand Deliver

Order Granting Nassau County's Petition to Intervene.

Number of pages in order - 4

3pg

Thanks "J"

3/0

RECEIVED PSC  
03 SEP 19 AM 11:07  
COMMISSION  
CLERK

M E M O R A N D U M

SEPTEMBER 18, 2003

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (JAEGGER) *RRJ*

RE: DOCKET NO. 030542-WS - APPLICATION FOR ACKNOWLEDGEMENT OF TRANSFER OF NASSAU COUNTY LAND AND FACILITIES TO NASSAU COUNTY AND FOR CANCELLATION OF CERTIFICATE NOS. 171-W AND 122-S, BY FLORIDA WATER SERVICES CORPORATION.

---

Attached is an ORDER GRANTING NASSAU COUNTY'S PETITION TO INTERVENE to be issued in the above-referenced docket. (Number of pages in order - *4*) *3*

DATE ORDER SENT ELECTRONICALLY TO CCA *9-18-03*

RRJ/jb

I:030542nassauorder.rrj

ORIGINAL  
STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



OFFICE OF THE GENERAL COUNSEL  
HAROLD A. McLEAN  
GENERAL COUNSEL  
(850) 413-6199

## Public Service Commission

October 10, 2003

Michael Mullin, Esquire  
Nassau County Board of Commissioners  
P. O. Box 1010  
Fernandina Beach, FL 32035-1010

RECEIVED - FPSC  
03 OCT 13 PM 4:20  
COMMISSION  
CLERK

Re: Docket No. 030542-WS - Application for Acknowledgment of Transfer of Nassau County Land and Facilities to Nassau County and for Cancellation of Certificate Nos. 171-W and 122-S, by Florida Water Services Corporation.  
Docket No. 990817-WS - Application by Florida Water Services Corporation for Amendment of Certificates Nos. 171-W and 122-S to Add Territory in Nassau County.

Dear Mr. Mullin:

Enclosed is a copy of the Staff Recommendation filed in this matter on October 9, 2003. The Commission is expected to consider this Recommendation at its October 21, 2003, Agenda Conference which will be held in Room 148, Betty Easley Conference Center, in Tallahassee beginning at 9:30 a.m.

If you wish to attend, please arrive promptly at the beginning of the Agenda Conference, as we cannot state the exact time at which this item will be heard. You are welcome to come to this Agenda Conference and observe and/or participate in the discussion of this item. If you have any questions, please feel free to call me at (850) 413-6234.

Sincerely,

A handwritten signature in black ink that reads "Ralph R. Jaeger" followed by a stylized flourish.

Ralph R. Jaeger  
Senior Attorney

RRJ/jb

cc: Division of Economic Regulation (Clapp, Redemann, Kaproth, Willis)  
Office of the General Counsel (Christensen, Gervasi)  
Division of Commission Clerk and Administrative Services

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



OFFICE OF THE GENERAL COUNSEL  
HAROLD A. MCLEAN  
GENERAL COUNSEL  
(850) 413-6199

# Public Service Commission

November 21, 2003

Michael Mullin, Esquire  
Nassau County Board of Commissioners  
P. O. Box 1010  
Fernandina Beach, FL 320335-1010

RECEIVED PSC  
NOV 21 AM 10:39  
COMMISSION  
CLERK

Re: Docket No. 030542-WS - Application for Acknowledgment of Transfer of Nassau County Land and Facilities to Nassau County and for Cancellation of Certificate Nos. 171-W and 122-S, by Florida Water Services Corporation.  
Docket No. 990817-WS - Application by Florida Water Services Corporation for Amendment of Certificates Nos. 171-W and 122-S to Add Territory in Nassau County.

Dear Mr. Mullin:

Enclosed is a copy of the Staff Recommendation filed in this matter on November 20, 2003. The Commission is expected to consider this Recommendation at its December 2, 2003, Agenda Conference which will be held in Room 148, Betty Easley Conference Center, in Tallahassee beginning at 9:30 a.m.

If you wish to attend, please arrive promptly at the beginning of the Agenda Conference, as we cannot state the exact time at which this item will be heard. You are welcome to come to this Agenda Conference and observe and/or participate in the discussion of this item. However, please note that participation on Issue 2 is dependent on Commission vote on Issue 1. If you have any questions, please feel free to call me at (850) 413-6234.

Sincerely,

Handwritten signature of Ralph R. Jaeger in black ink.

Ralph R. Jaeger  
Senior Attorney

RRJ/jb

cc: Division of Economic Regulation (Clapp, Redemann, Kaproth, Willis)  
Office of the General Counsel (Christensen, Gervasi)

# HOLLAND & NIGHT LLP

315 South Calhoun Street  
Suite 600  
P.O. Drawer 810 (ZIP 32302-0810)  
Tallahassee, Florida 32301

850-224-7000  
850-224-8832 Fax  
www.hklaw.com

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Alli	Seattle
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New York	Rio de Janeiro
Northern Virginia	São Paulo
Orlando	Tel Aviv**
Portland	Tokyo
Providence	
St. Petersburg	*Holland & Knight LLC
San Antonio	**Representative Office

030542

## FACSIMILE

**TO:**

	Florida Public Service	
Hong Wang	Commission	413-7118
NAME	COMPANY/FIRM	FAX NUMBER
Tallahassee	Florida	413-6770
CITY	STATE	(TELEPHONE NUMBER)

**FROM:**

Jennifer Gillis	425-5605	1
NAME	TELEPHONE	TOTAL PAGES (Including Cover Sheet)

**FOR THE RECORD:**

DATE: December 11, 2003      URGENCY:  SUPER RUSH       RUSH       REGULAR

FAXED BY:      FILE #: 91383.1      CLIENT NAME:

CONFIRMED:  YES  NO      NAME:      TIME:

If you did not receive all of the pages or find that they are illegible, please call (850) 425-5645

**CONFIDENTIALITY NOTICE:** This facsimile, along with any documents, files, or attachments, may contain information that is confidential, privileged, or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution or use of any information contained in or attached to this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by facsimile or by telephone collect at the numbers stated above, and destroy the original facsimile and its attachments without reading, printing, or saving in any manner. Your cooperation is appreciated. Thank you.

**MESSAGE:**

Hong,

Per your request, listed below is another address for American Beach Property Owners Association:

American Beach Property Owners Association  
Post Office Box 6123  
Fernandina Beach, Florida 32305-6123

Please let me know if you have any questions.

# 1418790\_v1

RECEIVED  
COMMISSION  
CLERK

03 DEC 11 PM 3:11

RECEIVED-TSC

Done  
12/11/03  
KMP

**Matilda Sanders**

1417- FOF

**From:** Janice Banka  
**Sent:** Tuesday, December 16, 2003 11:50 AM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

15

**Date and Time:** 12/16/2003 11:48:00 AM  
**Docket Number:** 030542-WS  
**Filename / Path:** 030542or.rj

Order Denying Reconsideration and Acknowledging Withdrawal of Amendment Application and Transfer of Nassau County Facilities of Florida Water Services Corp.

Number of pages in order - 15.

Thanks "J"

10 mailed  
+ 1 Nassau Clerk