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December 13, 2007

VIA HAND DELIVERY

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

Re: PSC Docket 070109-WS; In re: Application for amendment of Certificates 611-W and 527-S to extend water and wastewater service areas to include certain land in Charlotte County by Sun River Utilities, Inc. (f/k/a MSM Utilities, LLC).

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is the original and seven (7) copies of Charlotte County's Prehearing Statement.

Please acknowledge receipt of these documents by stamping the enclosed extra copy of this letter.

Thank you for your assistance with this filing, and please do not hesitate to contact me with any questions or concerns.

Sincerely,

AKERMAN SENTERFITT

Todd D. Engelhardt

Enclosures

{TL144056;1}

DOCUMENT NUMBER-DATE

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Ann Cole, Commission Clerk
December 13, 2007
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cc: Martin S. Friedman (by U.S. Mail)
Ralph Jaeger (by hand delivery)
Martha Young Burton (by U.S. Mail)

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for amendment of Certificates 611-W and 527-S to extend water and wastewater service areas to include certain land in Charlotte County by Sun River Utilities, Inc. (f/k/a MSM Utilities, LLC).	Docket No. 070109-WS Filed: December 13, 2007
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PREHEARING STATEMENT

Charlotte County, by and through its undersigned attorney, hereby files this Prehearing Statement pursuant to Order No. PSC-07-0452-PCO-WS issued in Docket No. 070109-WS, on May 29, 2007, as revised by Order No. PSC-07-0662-PCO-WS issued on August 16, 2007, and Order No. PSC-07-0807-PCO-WS issued on October 4, 2007, and states:

I. Witnesses:

A. Jeffrey C. Ruggieri

Jeffrey Ruggieri is Charlotte County's Planning Services Manager. Mr. Ruggieri's testimony addresses the growth management objectives as contained in the County's comprehensive plan and why the application by Sun River constitutes urban sprawl and is inconsistent with Charlotte County's comprehensive plan. Mr. Ruggieri further testifies on the current process for a change in land designation or rezoning of property within Charlotte County and describes the upcoming process and timeframes for revising and updating the comprehensive plan.

B. Jeffrey L. Pearson

Jeffrey Pearson is the Utilities Director for Charlotte County Utilities (CCU). Mr. Pearson's testimony describes the water and wastewater services provided by CCU, the County's policy with regard to the extension of water and wastewater service, the lack of need for service in the Sun River proposed territory, and the probable plans for the provision of water and wastewater service in the proposed territory at the appropriate time when such service would be consistent with the County's comprehensive plan and there exists a demonstrated need for service.

II. Exhibits:

A. Exhibit No. JLP-1, attached to the testimony of Jeffrey L. Pearson, which is the Uniform Extension Policy adopted by Charlotte County.

B. Exhibit No. JCR-1, attached to the testimony of Jeffrey C. Ruggieri, which consists of excerpts from Charlotte County's Comprehensive Plan.

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C. Late-filed Exhibit 1, which is a map showing CCU's Service Districts #1 & #2. This exhibit will be sponsored by Jeffrey L. Pearson.

D. Charlotte County anticipates that it may use other maps, for solely demonstrative purposes, at the time of hearing for the convenience of the Commissioners, PSC Staff and the parties.

E. Charlotte County also anticipates that it will use certain responses to discovery requests or deposition exhibits conducted in this proceeding.

III. Charlotte County's Basic Position:

The Charlotte County Comprehensive Plan is the result of a great deal of effort by the citizens of this county and their elected officials to establish a policy that provides a rational plan for the development of land within our county and the preservation of our quality of life. It is Charlotte County's position that the proposed extension of service territory by Sun River Utilities is inconsistent with this Comprehensive Plan. The County's primary growth management tool is an urban service area strategy that uses public infrastructure and services as a means for directing the timing, location and intensity of development. The proposed territory is almost entirely outside of the County's urban service area, and adding the provision of water and wastewater service to this proposed territory would promote additional development and allow for land use patterns which would disproportionately increase the cost in time, money and energy of providing and maintaining facilities and services, including water, sewer, storm water management, roads, law enforcement, education, health care, fire and emergency response.

Furthermore, it is the County's position that it would be premature to grant the territory extension since there has been no demonstrated need for service in the proposed territory and no requests have been received by the County for rezoning or land use amendments within the territory.

IV. Issues of Fact, Law and Policy:

1. Is there a need for service in the proposed territory, and if so, when will service be required?

Charlotte County's Position: No, there has not been a demonstrated need for service in the requested territory. Charlotte County Utilities has not been contacted by any land owners or developers requesting water or wastewater service within this area, nor has the County received any requests for a change of land use designation in the proposed territory, and there have been no proposed amendments to the Charlotte County comprehensive plan. (Jeffrey Pearson and Jeffrey Ruggieri)

2. Does the applicant have the financial ability to serve the proposed territory?

Charlotte County's Position: No position.

3. Does the applicant have the technical ability to serve the proposed territory?

Charlotte County's Position: No position.

4. Does the applicant have sufficient plant capacity to serve the requested territory?

Charlotte County's Position: No position.

5. Is the proposed amendment inconsistent with the Charlotte County comprehensive plan?

Charlotte County's Position: Yes, the proposed expansion is in direct conflict with certain objectives and policies of the Comprehensive Plan. The proposed territory is outside of the designated urban service area, which was identified as a means for directing the timing, location and intensity of development. Neither Sun River nor any land owner has followed the established procedure to request a future land use amendment or a rezoning. Allowing development along the scale of that being contemplated by Sun River would encourage and constitute urban sprawl. (Jeffrey Ruggieri)

6. Will the proposed amendment to the applicant's territory duplicate or compete with any other system?

Charlotte County's Position: The proposed amendment to Sun River's territory would duplicate and compete with CCU's Water & Sewer District #2. (Jeffrey Pearson)

7. If the proposed amendment would result in an extension of a system which would be in competition with, or a duplication of another system, is that system inadequate to meet the reasonable needs of the public or is the owner of the system unable, unwilling or neglecting to provide reasonably adequate service to the proposed territory?

Charlotte County's Position: CCU's system is adequate to meet the reasonable needs of the public, and Charlotte County, as owner of the system, is able, willing, and responsive to public need to provide reasonably adequate service to the proposed territory. However, Charlotte County believes that at this time there is no established need within the proposed service area, and for that reason CCU has not yet provided service to the area. Should such a pervasive need be demonstrated to Charlotte County, all necessary steps to provide service to the area can and would be taken. (Jeffrey Pearson)

8. Is it in the public interest for the applicant to be granted an amendment to Certificate Nos. 611-W and 527-S for the territory proposed in its application?

Charlotte County's Position: No, this application is not in the public interest. The proposed service expansion is in direct conflict with the County's Comprehensive Plan. The PSC should recognize that the comprehensive plan is the rational and lawful means by which the county protects its resources and citizens where development is concerned, and, therefore, should deny the application in its entirety.

V. Stipulated Issues:

Charlotte County is aware of no issues which have been stipulated by the parties as of the date of filing this Prehearing Statement.

VI. Pending Motions:

Charlotte County is aware of no pending motions in this case.

VII. Pending Requests for Confidentiality:

Charlotte County is aware of no pending requests for Confidentiality.

VIII. Witness Qualifications as an Expert:

Charlotte County is aware of no objections to a witness' qualifications as an expert.

IX. Compliance with Prehearing Order Requirements:

Charlotte County is not aware at this time of any requirements of the Prehearing Order, as amended, that cannot be complied with.

Respectfully submitted this 13th day of December, 2007.




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Attorneys for Charlotte County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to Ralph Jaeger, Esquire, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and by U.S. Mail to the following on the 13th day of December 2007:

Martin S. Friedman, Esq.
Robert C. Brannan, Esq.
Rose, Sundstrom & Bentley, LLP
2548 Blirstone Pines Drive
Tallahassee, Florida 32301
Phone: 850-877-6555
Fax: 850-656-4029



Todd D. Engelhardt