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REPLY TO CENTRAL FLORIDA OFFICE

April 7, 2008

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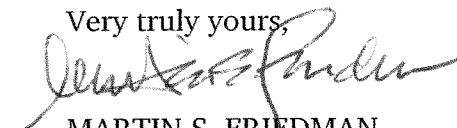
Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

RE: Docket No.: 070183-WS; In re: Proposed adoption of Rule 25-30.4325, F.A.C., Water Treatment Plant Used and Useful Calculations
Our File No.: 30057.147

Dear Ms. Cole:

This letter is in response to Senator Mike Fasano's April 3, 2008 correspondence to Chairman Matthew Carter, copies of which went to the other Commissioners. At the outset, I would point out that at the request of the Office of Public Counsel, a full evidentiary hearing was held on this matter. If Senator Fasano was concerned about this issue, he certainly had every opportunity to present testimony at the hearing, but failed to do so. Since the Staff's Recommendation is contrary to OPC's position on the particular issue referenced by Senator Fasano, he has chosen to participate in inappropriate ex-parte communications with the Commissioners.

Obviously, we believe that Senator Fasano's comments should not be provided to the Commissioners and those who are privy to the comments should acknowledge that at the agenda. The Staff's recommendation on this particular issue is consistent with past decisions of the Commission, including at least one that was the subject of a full evidentiary hearing. The Staff's recommendation on that issue does not represent any change in prior Commission policy. Thus, the impact of the particular Rule provision on Senator Fasano's constituents is no different than currently exists.

Very truly yours,

MARTIN S. FRIEDMAN
For the Firm

MSF/tlc

cc: Stephen C. Reilly, Esquire (via email)
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