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June 10, 2008

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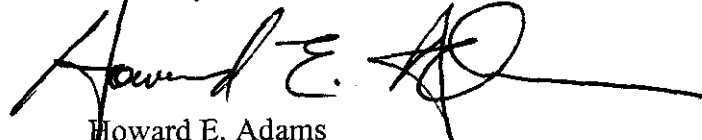
Ms. Ann Cole
Public Service Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Easley Building, Room 110
Tallahassee, FL 32399-0850

Re: Objection by DeSoto County to Application for Original Certificates
For Existing Utility - Docket # 08-0272-WS

Dear Ms. Cole:

Please accept this Objection by DeSoto County to Application for Original Certificates for Existing Utility in the above styled Docket. I am enclosing the original and eight copies, please date stamp one copy and return for my file. Please let me know if you have any questions regarding this filing of if we can be of further assistance in this matter.

Sincerely,



Howard E. Adams
Attorney for tw telecom of florida l.p.

CMF _____

COM _____

OTN _____

ENC Enclosures

2 Cc: Martin Friedman, Esq.
Robert Brannen, Esq.

HEA/kra
Ann Cole Ltr

SCR _____

NSA _____

SPS _____

OTD _____

DOCUMENT NUMBER DATE

04944 JUN 10 08

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Sun River Utilities, Inc.
Original certificates to provide water and
Wastewater Service in Charlotte and DeSoto
Counties, Florida.

Docket # 08-0272-WS

**OBJECTION BY DESOTO COUNTY TO APPLICATION FOR ORIGINAL
CERTIFICATES FOR EXISTING UTILITY**

COMES NOW, DeSoto County, a governmental entity, by and through its undersigned attorneys and pursuant to §367.031 and 367.171(7), Florida Statutes, and pursuant to Rule 25-30.031, and would show unto the Commission the following:

1. The name of the entity and the address of the entity filing this objection is:

DeSoto County, a governmental subdivision of the State of Florida,
201 East Oak Street, Suite 201
Arcadia, FL 34266
Ph: 863-993-4800
Fax: 963-993-4809

2. Name and address of the persons to be contacted concerning this objection, receive notices and communications in respect to this objection are:

Roger Pulley, County Administrator
DeSoto County
201 East Oak Street, Suite 201
Arcadia, FL 34266
Tel: 863-993-4800
Fax: 963-993-4809

Fred Busack, Esquire
Pennington Law Firm
2701 N. Rocky Point Dr., Suite 900
Tampa, Florida 33607
Ph: 813-639-9599
Fax: 813-639-1488
E-mail: fred@penningtonlaw.com

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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P.O. Box 10095
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Ph: 850-222-3533
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E-mail: john@penningtonlaw.com

3. DeSoto County has a substantial interest in the application of Sun River Utilities, Inc. seeking application for the original certificate for an existing utility concerning areas within DeSoto County. Sun River Utilities, Inc. has heretofore never served developments or individual customers, pursuant to any certificated authority inside the boundaries of DeSoto County. DeSoto County through its DeSoto County utilities department currently has the ability and the capacity to serve any proposed customer of Sun River Utilities, Inc. in DeSoto County.

4. DeSoto County received the Notice of Application for Original Certificate by Sun River Utilities, Inc. through receipt of Notice of Application for Original Certificates mailed to DeSoto County. DeSoto County representatives have since also reviewed the application for original certificate on the website of the Florida Public Service Commission.

5. DeSoto County asserts that the following disputed issues of material fact are outstanding and request that the Florida Public Service Commission hold a public hearing pursuant to Chapter 120, Fla. Statutes and pursuant to Section 367.045(4), Fla. Statutes, to determine these disputed facts:

a. Pursuant to Section 367.171(1) of the Florida Statutes, the DeSoto County Board of County Commissioners rescinded Public Service Commission jurisdiction over investor-owned water and wastewater systems in DeSoto County by Resolution Number 1997-22 passed March 5, 1997.

b. Section 125.01(1)(k)(a) of the Florida Statutes provides that the Board of County Commissioners is authorized to regulate water and sewerage systems within the county.

c. Pursuant to Section 125.01(t) of the Florida Statutes and DeSoto County's home rule powers, the DeSoto County Board of County Commissioners enacted a utility

regulation ordinance (Ordinance 1999-01 as amended by Ordinance 2002-04) that provides for the creation of utility franchises and the regulation of investor-owned utilities within DeSoto County, Florida.

d. The portion of the proposed service area expansion located within Sections 30 and 31, Township 39 South, Range 24 East in DeSoto County, Florida is part of the service area currently served by the DeSoto County Utilities Department.

e. Water and wastewater service is already being adequately provided to the proposed service expansion area by DeSoto County Utilities Department.

f. DeSoto County Utilities Department has expended considerable sums in extending utility infrastructure to the proposed service area expansion location in Desoto County in order to serve the current and expected utility customers in that area.

g. DeSoto County Utilities Department has the capacity and willingness to serve the current and future utility customers in the proposed service area expansion.

h. DeSoto County has already contracted with customers in the proposed service area expansion to reserve capacity in the County's utility systems and is currently providing service or will provide service when the developers are prepared to accept service.

i. As utility service is already being provided to the proposed service area by the Desoto County Utilities Department, the amendment of the applicant's service area to include the proposed service area expansion is inconsistent with DeSoto County's local comprehensive plan.

j. DeSoto County is currently providing water and wastewater service to the proposed service area expansion and the Public Service Commission has not determined that the services are inadequate to meet the reasonable needs of the public or that DeSoto County is unable, refuses or neglects to provide service to the proposed service expansion area as required pursuant to Section 367.045(5)(a), Florida Statutes. DeSoto County would be contractually and substantially affected by the proposed service area expansion as outlined above, and respectfully requests a proceeding be conducted in or near the proposed service area expansion pursuant to sections 120.569 and 120.57 of the Florida Statutes as required pursuant to Section 367.045(4), Florida Statutes.

6. DeSoto County further alleges the following specific facts warrant reversal or modification or denial of the application for the original certificate for the existing utility:

a. The proposed service extension of Sun River Utilities Inc. into DeSoto County is in violation of the comprehensive plan of DeSoto County pursuant to §367.045(4), Florida Statutes, and as such should be denied.

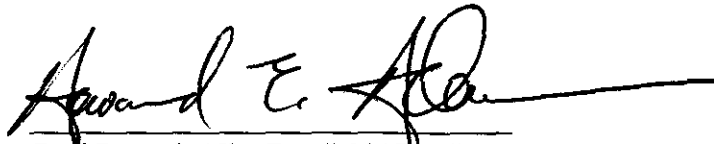
b. DeSoto County further contends that the developments and persons proposed to be served by Sun River Utilities, Inc. can be served by existing systems within

DeSoto County and as such Sun River Utilities, Inc., development of facilities for water and wastewater would be duplicative, not in the public interest and contrary to Section 367.045(5), Florida Statutes.

7. Wherefore, DeSoto County, Florida hereby requests that the Florida Public Service Commission deny the application for original certificates for the utility Sun River Utilities, Inc. for the following reasons:

- a. That the granting of such certificate would not be in the public interest;
- b. The granting of these original certificates would be inconsistent with the adopted comprehensive plan of DeSoto County and would encourage development outside the urban service boundaries as well as urban sprawl development and in violation of density regulations adopted through the comprehensive plan;
- c. That the persons who have requested water and wastewater service from this utility can receive such service from DeSoto County as a provider, and that such service is not necessary and is in fact duplicative of other existing water and wastewater treatment systems within DeSoto County, and as such is not in the public interest;
- d. That a hearing and proceeding pursuant to Section 120.569 and Section 120.547 Florida Statutes be held as required in Section 367.045(4), Fla. Statutes;
- e. Such other and further relief as the Florida Public Service Commission shall deem just and proper.

Respectfully submitted this 10th day of June, 2008.



Fred Busack (Fla. Bar # 0117994)
John Pelham (Fla. Bar # 0360041)
Howard E. Adams (Fla. Bar # 322210)

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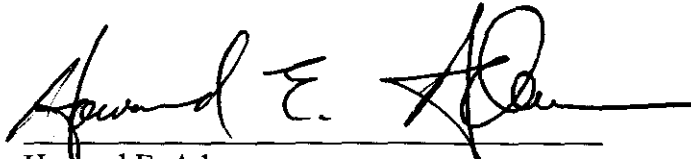
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the following persons have been served via U.S. mail the foregoing Objection by DeSoto County to Application for Original Certificates for Existing Utility: Martin Friedman, Esq., Rose, Sundstrom & Bentley, LLP, 2180 W. State road 434, Suite 2118, Longwood, FL 32779-5009; Robert Brannen, Esq., Rose, Sundstrom & Bentley, LLP, 2548 Blirstone Pines Drive, Tallahassee, FL 32301-5925.


Howard E. Adams