

Ruth Nettles

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Sent: Thursday, February 11, 2010 10:52 PM
To: Filings@psc.state.fl.us
Cc: Amy Palmer
Subject: Case No. 090478 City of Brooksville's "List of Issues"
Attachments: 00193620.DOC

Attached please find the City of Brooksville's list of disputed issues of material fact.

Case No. 090478
Filed by: City of Brooksville
Pages: 3

List of disputed issues of material fact, heretofore preserved by the City of Brooksville's Objection and Amended Objection in the above referenced matter.

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DOCUMENT NUMBER-DATE

00950 FEB 12 2010

FPSC-COMMISSION CLERK

**STATE OF FLORIDA
PUBLIC SERVICE COMMISSION**

IN RE: APPLICATION OF SKYLAND
UTILITIES, LLC, TO OPERATE A WATER
AND WASTEWATER UTILITY IN
HERNANDO AND PASCO COUNTIES,
FLORIDA

Case No.: 090478-WS

**LIST OF ISSUES
CITY OF BROOKSVILLE, FLORIDA**

The City of Brooksville, an incorporated municipality located in Hernando County, Florida, through its undersigned counsel and pursuant to Rule Chapters 25-22 and 28-106, Fla. Admin. Code, pre-files its "List of Issues" (i.e. List of disputed issues of material fact):

- (i) Whether Skyland's Application comports with all of the requirements set forth in § 367.045, Fla. Stat. and Rule 25.30,033, Fla. Admin. Code;
- (ii) Whether the Utility proposed by Skyland will improperly compete with and/or duplicate services which could be provided by the City of Brooksville under the provisions of the Interlocal Agreement between the City of Brooksville and Hernando County which was included as an exhibit to the City of Brooksville's Amended Objection in the above styled matter;
- (iii) Whether the Utility proposed by Skyland is in the Public Interest or, in the alternative, whether the proposed Utility violates Public Interest;
- (iv) Whether the Utility proposed by Skyland will be serving "the public" for purposes of Chapter 367, Fla. Stat., if the provider and intended use are related or affiliated entities or alter egos;
- (v) Whether the Utility proposed by Skyland will be serving operating "for compensation" for purposes of Chapter 367, Fla. Stat., if the provider and intended use are related or affiliated entities or alter egos;
- (vi) All disputed issues of material fact raised by Pasco County, Hernando County, and the issues raised in the City of Brooksville's Amended Objection filed in the above styled matter.

All of the foregoing issues were timely preserved by the City of Brooksville's Objection and Subsequent Amended Objection.

Respectfully submitted,

/s Derrill L. McAteer

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent to the following this 12th day of February, 2010, by electronic filing (to the Clerk of the PSC) and U.S. Mail to all others listed below.

s/Derrill Lee McAteer

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and Administrative Services
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