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b. Docket number and title for electronic filing are: Docket No. 100330-WS - In Re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

c. The name of the party on whose behalf the document is filed: Aqua Utilities Florida, Inc. ("AUF")

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8/3/2011

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.	Docket No. 100330-WS Filed: August 2, 2011
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**AQUA UTILITIES FLORIDA, INC.'S RESPONSE
TO PETITION TO INTERVENE BY PASCO COUNTY**

Pursuant to Rule 28-106.204, Florida Administrative Code, Aqua Utilities Florida, Inc. ("AUF"), hereby files its response to the Petition to Intervene filed by Pasco County ("Pasco County") on July 26, 2011. Pasco County alleges that it is entitled to intervene as a matter of right pursuant to Section 367.091(2), Florida Statutes. AUF does not object to Pasco County's intervention on that basis, but asks that the Commission clarify its grant of intervention in three respects.

1. First, AUF agrees that Section 367.091(2), Florida Statutes, permits Pasco County to intervene in this proceeding. *Id.* ("[T]he commission shall grant intervenor status to any governing body [within the service areas included in the rate request] that files a petition."). However, Pasco County alleges in its Petition to Intervene that it is intervening not only on its own behalf, but also "on behalf of its citizens that are customers of Aqua." (Pasco Co. Petition to Intervene, at 2 ¶ 5.) Section 367.091(2) does not afford Pasco County the right to represent in this proceeding individual AUF customers. Those customers are already represented in this proceeding by the Office of Public Counsel. Accordingly, if Pasco County's Petition is granted, the Commission should make clear that Pasco County, as an intervenor pursuant to Section 367.091(2), Fla. Stat., is not representing in this proceeding individual customers who are already represented by the Office of Public Counsel.

DOCUMENT NUMBER-DATE

05448 AUG-2 =

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2. Second, as an intervenor, Pasco County takes the case as it finds it. *See* Rule 25-22.039, F.A.C. (“Intervenors take the case as they find it.”); *see also In re: Application for approval of new class of service for bulk wastewater service in Lee County by Forest Utils., Inc.*, Docket No. 030748-SU; Order No. PSC-03-0998-PCO-SU (Sept. 4, 2003) (granting Lee County’s petition to intervene, but expressly advising that, pursuant to Rule 25-22.039, F.A.C., “Lee County takes the case as it finds it”). As an intervenor, Pasco County should also be reminded that it is required to “comply with the same standards, rules, statutes, and procedures as all other parties to this proceeding and shall be required to stay within the scope of this proceeding as established through the issues, rules, and governing statutes.” Order No. PSC-09-0280-PCO-EI.

3. Third, Pasco County’s participation should be expressly limited to those issues within the jurisdiction and scope of this rate case proceeding, which is being conducted pursuant to Section 367.081(8), Florida Statutes. *See In re: Petition for increase in rates by Fla. Power & Light Co.*, Docket No. 080677-EI; Order No. PSC-09-0280-PCO-EI (April 29, 2009) (“The decision to grant intervention should not be construed to permit [the intervenor] to raise arguments outside the scope of the issues the Commission determines to address in this rate proceeding.”); *see also In re: Petition for a rate increase in Martin County by Sailfish Point Util. Corp.*, Docket No. 900816-WS; Order No. 24486 (May 7, 1991) (“In granting intervention, we do so with the understanding that issues raised [by the intervenor] are to be relevant and directly related to this rate proceeding, and designed to foster our pursuit for a determination of rates which are just, reasonable, compensatory, and not unfairly discriminatory. We will not address issues which are outside the scope of this proceeding or which are beyond our jurisdiction.”).

Wherefore, AUF respectfully requests that the Commission clarify the proper scope of this proceeding and Pasco County’s participation therein, as described above.

Respectfully submitted this 2nd day of August, 2011.



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by hand-delivery or overnight delivery** this 2nd day of August, 2011 to:

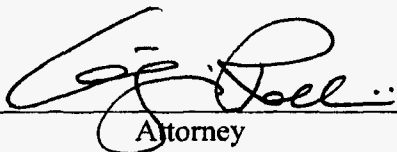
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