

P R O C E E D I N G S

CHAIRMAN BROWN: Can we move to Item 3?

MR. SMITH: Good morning, Commissioners. Lee Smith with Commission staff. Item 3 is staff's recommendation to approve West Lakeland's petition to defer legal costs associated with the resolution of land rights issues. West Lakeland Wastewater, Inc., is a Class C wastewater utility that serves approximately 302 customers in Polk County. Water service is provided by the City of Lakeland. On March 3, 2013, West Lakeland filed a transfer application but subsequently withdrew its application due to land rights issues. On April 23rd, 2015, West Lakeland filed a petition for approval to defer costs associated with the land rights issues. To date, staff has received invoices for legal fees associated with this litigation totaling \$6,245.

Staff is recommending the Commission approve the petition by West Lakeland to defer legal fees associated with the resolution of the land rights issues involving the utility's ponds and spray fields pending a final determination of whether any prudent costs incurred should be capitalized, amortized, or expensed. Staff is available to answer any questions you may have.

1 **CHAIRMAN BROWN:** Thank you, Mr. Smith.
2 Commissioner Edgar.

3 **COMMISSIONER EDGAR:** No questions, Madam
4 Chair.

5 **CHAIRMAN BROWN:** Okay. Any questions from
6 any other Commissioners?

7 I do have a question for Mr. Smallridge.
8 Mr. Smallridge, you've been involved in the litigation
9 for sometime now?

10 **MR. SMALLRIDGE:** Yes, ma'am.

11 **CHAIRMAN BROWN:** How long do you anticipate
12 the litigation to continue?

13 **MR. SMALLRIDGE:** At the rate we're going, it
14 may be some considerable time. I have, in my opinion,
15 bent over backwards to make the deal go through. But
16 the other side is not cooperating, so we're pretty much
17 out of options now.

18 **CHAIRMAN BROWN:** Do you have a resolution in
19 sight?

20 **MR. SMALLRIDGE:** No, ma'am.

21 **CHAIRMAN BROWN:** Okay. Commissioners, any
22 other discussion? I will entertain a motion at this
23 time.

24 **COMMISSIONER EDGAR:** Move staff.

25 **COMMISSIONER PATRONIS:** Second.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN BROWN: All those in favor, say aye.
(Vote taken.)
By your actions, you have approved staff's
recommendation on Item 3.
(Agenda item concluded.)

