

ORIGINAL

REQUEST FOR CHANGE TO AGENDA CONFERENCE HAND DELIVER

Date of Request: 12/01/03 Date of Agenda Conference: 12/02/03 Item No. 26

Docket No.: 030637-WS and 030667-WS Brief Title: Applications for amendment by Sanlando and Florida Water Serv. Corp.

Requested by: Staff Other Florida Water Service Corporation

Please attach a copy of the written documentation filed (if other)

(Name)

STAFF's Recommendation to Executive Suite (IF OTHER)

Approve Request

Deny Request

ACTION REQUESTED [see APM 2.11]

Defer Item to Agenda Scheduled

Date: January 20, 2004

Change Order of Item or Take Up at Time Certain

Withdraw Item

Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) **A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.**

Add Item to Published Agenda [see Section 120.525(2), F.S.] - Issue an ADDENDUM and give Legal NOTICE

Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] - Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

Staff's recommendation identifies an area to be deleted from Sanlando's wastewater territory and added to FWSC's, pursuant to a settlement agreement filed by the utilities for the Commission's approval. Although the affected customers are currently on septic systems, FWSC has identified and expressed a concern that it does not have pipes currently in place to serve this area upon demand. If the deferral is granted, staff will work with the utilities to resolve the matter and refile the recommendation accordingly.

Signature (OPR Staff): _____

Initials (OPR Division Director or Designee): _____

Signature (Legal Staff): [Signature]

Initials (Legal Division Director or Designee): RDm

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office

Approve Request

Deny Request

Initials: MAB

Date: 12/1/03

Comments: My understanding is that Sanlando does not object to the deferral.

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH Comp

CHAIRMAN'S OFFICE:

Approve Request

Deny Request

Initials: [Signature]

Date: 12/1/03

Executive Suite will send the original to the Division of Commission Clerk and Administrative Services and return a copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.

Moss
Thompson

DOCUMENT NUMBER-DATE

12164 DEC-1 03

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03 DEC -1 PM 4:39
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Date: December 1, 2003 From: Martin P. McDonnell, Esq.

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Telecopier Number: (413-6250)

ATTENTION:

Name: Jennifer Brubaker, Esq.

Company: FPSC

ADDRESS: _____

COMMENTS:

WE ARE TRANSMITTING 3 PAGES INCLUDING THIS COVER SHEET.

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THIS FAX WAS SENT BY: Roxanne Levingston

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December 1, 2003

Jennifer Brubaker, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, Florida 32399-0850Re: Docket Nos. 030637-WS and 030667-WS re: Petitions of Certificates of Utilities,
Inc. and Florida Water Services, Inc. in Seminole County

Dear Ms. Brubaker:

As we discussed on the telephone today, Florida Water Services, Inc. ("Florida Water") has a concern regarding an assertion made by Sanlando Utilities in a pleading filed November 4, 2003 in Docket No. 030667-WS. The pleading, entitled Amendment to Application for Amendment to Certificates of Authorization states as follows in paragraph 8:

The deleted area is within the Florida Water Services wastewater service area. Although there are currently no active wastewater customers in the deleted area, Florida Water Services will be responsible for providing wastewater services to any customers in the deleted area who may, in the future, request service.

As we discussed, there are portions of the territory that Sanlando seeks to delete that Florida Water is ready, willing and capable of serving if the need arises. That is an area west of I-4 listed in paragraph 3 of the February 2003 Agreement between Sanlando and Florida Water. However, Sanlando also is seeking to delete territory east of I-4 (second paragraph of Exhibit A to the above agreement). Florida Water does not have the infrastructure to service those customers and therefore cannot agree to "be responsible for providing wastewater service to any customers in the deleted area who may, in the future, request service" as Sanlando stated in its Amendment to the Application filed November 4, 2003. Based upon the nature of the issue, Florida Water respectfully requests that the Commission defer addressing both dockets at the December 2, 2003 Agenda Conference to allow

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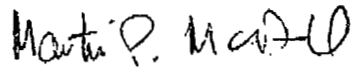
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December 1, 2003

the parties time to resolve the issue. As you were advised by Valerie Lord, of counsel with Rose, Sundstrum and Bentley, on behalf of Utilities, Inc., Ms. Lord is unaware of what her client's position would be regarding a deferral. Based upon the late nature of the request, it is respectfully requested that the Commission grant the deferral and allow the parties to continue discussions to resolve the matter.

I thank you in advance for your anticipated cooperation herein.

Sincerely,



Martin P. McDonnell

MPM/rl

cc: Valerie Lord, Esq., via telecopier

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