

**Matilda Sanders**

**From:** Michele Parks [michele@RSBattorneys.com]  
**Sent:** Tuesday, June 12, 2007 11:51 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** Martha Brown; smlubertozzi@uiwater.com; jphoy@uiwater.com; Patrick Flynn  
**Subject:** Docket No.: 070312-WS/Utilities, Inc. of Florida & Wedgefield Utilities, Inc.  
**Attachments:** UIFs Motion to Dismiss.pdf

**ORIGINAL**

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- b. Docket No.: 070312-WS/Petition for Writ of Mandamus by Baypointe Builders, LLC
- c. Utilities, Inc. of Florida
- d. 3 Pages
- e. Utilities, Inc. of Florida's Motion to Dismiss Verified Petition for Writ of Mandamus Ordering the Provision of Water/Sewer Service

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

IN RE: Petition for Writ of Mandamus  
ordering Utilities, Inc. of Florida and  
Wedgfield Utilities, Inc., to provide  
water and wastewater service to  
Baypointe Builders, LLC, in Orange  
County, Florida

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Docket No.: 070312-WS

UTILITIES, INC. OF FLORIDA'S MOTION TO DISMISS VERIFIED PETITION  
FOR WRIT OF MANDAMUS ORDERING THE PROVISION OF  
WATER/SEWER SERVICE

Respondent, UTILITIES, INC. OF FLORIDA ("UIF"), by and through its undersigned attorneys, files this Motion to Dismiss Petitioner's Verified Petition for Writ of Mandamus Ordering the Provision of Water/Sewer Service, and in support thereof, states:

1. Petitioner filed the "Complaint" in this Docket against UIF and Wedgfield Utilities, Inc. ("Wedgfield").
2. The allegations of the Complaint involve Petitioner's request for water and wastewater service to its property "along Maxim Parkway in the "City" area of Wedgfield, Orange County, Florida."
3. The property involved is not located within the certificated service area of UIF, but is located in the certificated service area of Wedgfield Utilities, Inc.
4. Even a minimal amount of due diligence by Petitioner would have disclosed that its property is not located in UIF's service area. Petitioner combines Wedgfield and UIF for most of the allegations even though the property is not, and could not be, in the service area of both utilities.
5. UIF has retained the undersigned law firm to respond to Petitioner's frivolous

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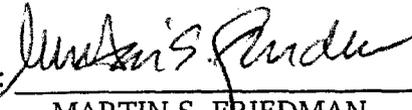
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"Complaint" and is obligated to pay such law firm a reasonable fee for its services.

WHEREFORE, UTILITIES, INC. OF FLORIDA, requests this Commission issue an Order dismissing the Plaintiff's Petition as to UIF and awarding UIF reasonable attorney's fees so that UIF's customers do not have to pay for Petitioner's lack of due diligence.

Respectfully submitted on this 12 day of June, 2007, by:

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BY:   
\_\_\_\_\_  
MARTIN S. FRIEDMAN  
For the Firm

CERTIFICATE OF SERVICE  
DOCKET NO.: 070312-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail this 19<sup>th</sup> day of June, 2007, to:

Damon A. Chase, Esquire  
CHASE FREEMAN  
250 International Parkway  
Suite 250  
Lake Mary, FL 32746

Martha Brown, Esquire  
Office of General Counsel  
Florida Public Service Commission  
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