

preliminary, are based upon materials filed by the utility or obtained through discovery and are intended to inform the parties of Staff's preliminary positions. Staff's final positions will be based upon an analysis of the evidence presented at the hearing.

1. ISSUE: Does the utility have the technical ability to provide the proposed service?

POSITION: Yes.

2. ISSUE: Does the utility have the financial ability to provide the proposed service?

POSITION: Yes.

3. ISSUE: Is the service proposed to be provided by the applicant needed?

POSITION: As to the proposed residential and agricultural service, yes. No position as to the need for raw water service.

4. ISSUE: Is the service proposed to be provided by the applicant available from any other sources?

POSITION: No.

5. ISSUE: Is it in the public interest for the Florida Public Service Commission to grant the applicant a certificate of authorization?

POSITION: As to residential service, yes. However, Staff has no position as to whether the Commission has jurisdiction to issue a certificate for the provision of non-potable water service. In addition, Staff has no position as to whether the Commission should issue a certificate as to the raw water service if the Commission finds that it has jurisdiction over non-potable water service.

6. ISSUE: If a certificate is granted, what initial water rates and return on equity are appropriate for the applicant?
- POSITION: If a certificate is granted, the initial water rates and return on equity should be those requested by ECFS, adjusted for the appropriate return on equity contained in the Commission's current leverage graph formula.
7. ISSUE: If a certificate is granted, what are the appropriate miscellaneous service charges and initial customer deposits for applicant?
- POSITION: Those requested in the application.
8. ISSUE: If a certificate is granted, what are the appropriate service availability charges for the applicant?
- POSITION: Those requested in the application.
9. ISSUE: If a certificate is granted, should a separate certificate be issued for each county?
- POSITION: No, one multi-county certificate should be granted.
10. ISSUE: Should the Public Service Commission regulate the sale of non-potable water such as irrigation water for agriculture and raw water?
- POSITION: On April 5, 1990, the Commission's Office of General Counsel issued an inter-agency opinion, DGA Opinion #0-89-014, concerning the Commission's jurisdiction over non-potable water. In that opinion, the Office of General Counsel concluded that the Commission did not have jurisdiction over the sale of non-potable water. Staff, however, takes no position on this issue at this time. The

Commission itself has not directly considered this question before.

(g) Stipulated Issues

There are no stipulated issues at this time.

(h) Pending Matters

Rulings are pending on the following matters: ECFS's a motion to strike the City of Cocoa's amended objection; ECFS's motion to amend exhibit "F" of its original application; and ECFS's motion to file supplemental rebuttal testimony.

(i) Requirements That Cannot Be Complied With

There are no requirements of Order No. 24356 that cannot be complied with at this time.



MATTHEW FEIL
Staff Attorney

FLORIDA PUBLIC SERVICE COMMISSION
101 East Gaines Street
Tallahassee, Florida 32399-0863
(904) 487-2740

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for water certificate) DOCKET NO. 910114-WU
in Brevard, Orange and Osceola Counties)
by EAST CENTRAL FLORIDA SERVICES, INC.)
_____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the Commission Staff's Prehearing Statement in the above-captioned docket has been furnished to the following parties, by U.S. Mail, this 30th day of August, 1991.

Ms. Barbara B. Levin and
Mr. Edward P. de la Parte, Jr.
De la Parte & Gilbert, P.A.
705 E. Kennedy Blvd.
Tampa, FL 33602

Mr. Robert D. Gunthrie, Jr.
Brevard County Attorney
2725 St. John's Street
Building C, Third Floor
Melbourne, FL 32940

Mr. Segundo J. Fernandez and
Ms. Suzanne Brownless
Oertel, Hoffman, Fernandez
& Cole
P. O. Box 6507
Tallahassee, FL 32314-6507

Mr. Joseph A. Passiatore
Assistant County Attorney
Orange County Legal Dept.
P. O. Box 1393
Orlando, FL 32802-1393

Mr. Clifton A. McClelland, Jr.
Potter, McClelland, Marks
& Healy, P.A.
P. O. Box 2523
Melbourne, FL 32902-2523

Mr. Neal D. Bowen
Osceola County Attorney
17 South Vernon Avenue
Room 115
Kissimmee, FL 34741-5488

Mr. F. Marshall Deterding and
Mr. John L. Wharton
2548 Blairstone Pines Drive
Tallahassee, FL 32301


MATTHEW J. FEIL, Staff Attorney

FLORIDA PUBLIC SERVICE COMMISSION
101 East Gaines Street
Tallahassee, Florida 32399-0863
(904) 487-2740