

**LOWNDES
DROSDICK
DOSTER
KANTOR &
REED, P.A.**

Attorneys at Law

Ernest R. Drosdick
(1936-1982)
James Balletta
William A. Beckett
William R. Bird, Jr.
Matthew G. Brenner
Dale A. Burket
Charles C. Carrington
W. Terry Costolo
Janet M. Courtney
William E. Doster
William T. Dymond, Jr.
Richard J. Fildes

Miranda F. Fitzgerald
Thomas E. Francis
Julia L. Frey
Louis Frey, Jr.
Barry L. Goff
Aaron J. Gorovitz
Linda C. Hankins
James F. Heekin, Jr.
Robert P. Higgins
Iwan A. Johnson
Gary M. Kaleita
Hal H. Kantor
James G. Katt
Joseph G. Kern

Joseph A. Lane
R. Kimbark Lee
John F. Lowndes
Timothy J. Manor
Daniel F. McIntosh
H. Gregory McNeill
David E. Peterson
Nicholas A. Pope
Shawn G. Rader
Morey Reiskin
John A. Reed, Jr.
Michael Ryan
Margaret H. Schreiber
Cleatous J. Simmons

Gary R. Soles
James M. Spoonhour
Scott C. Thompson
Julian E. Whitehurst
Jon C. Yergler
Terry C. Young
Casey M. Cavanaugh
Clinton R. Darien, Jr.
Teresa B. Finer
Darrell D. Garvey
James J. Hoctor
Peter L. Lopez
Bryan T. McCully

John G. Morris
Samuel M. Nelson
T. Todd Pittenger
Patrick K. Rinka
Mark D. Scimeca
T. Austin Simmons
Wendy L. Spitzer
Christopher P. Tessitore
James S. Toscano
David G. Williford
Of Counsel:
Matthew E. Beal

August 29, 1994

**ORIGINAL
FILE COPY**

FEDERAL EXPRESS

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

Re: Sanlando's Objection to Wekiva Golf Club's Motion for Leave to Intervene.

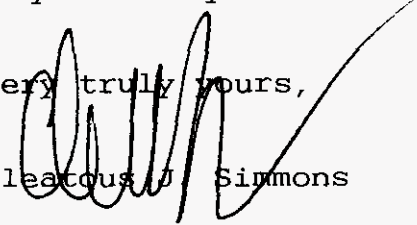
Petition of SANLANDO UTILITIES CORPORATION for A Limited Proceeding to Implement Water Conservation Plan in Seminole County.

Docket No.: **930256-WS**

Dear Ms. Bayo:

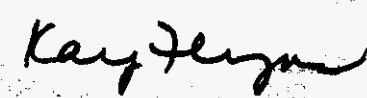
Enclosed are one (1) original and fifteen (15) copies of Sanlando's Objection to Wekiva Golf Club's Motion for Leave to Intervene for filing with the Division of Records and Reporting, Florida Public Service Commission. An additional copy of Sanlando's Objection is included for indexing and return to the undersigned in the enclosed self-addressed stamped envelope.


Please file this Objection to Wekiva Golf Club's Motion for Leave to Intervene appropriately. Thank you for your attention to this matter.

Very truly yours,

Cleatous J. Simmons

- ACK _____
- IFA _____
- APP _____
- CAF _____
- CMU _____
- TR _____
- AG _____
- EG OS _____
- IN 4 _____
- PC _____
- _____

- John F. Lowndes, Esquire (w/encl.)
- Mr. Bob Mandell (w/encl.)
- Mr. George Billings (w/encl.)
- Mr. Hampton Conley (w/encl.)

RECEIVED & FILED



119220\IRVINTL

08909-94

STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

IN RE:)
)
Petition of SANLANDO UTILITIES)
CORPORATION For A Limited) DOCKET NO.: 930256-WS
Proceeding to Implement Water)
Conservation Plan in)
Seminole County)
)

OBJECTION TO WEKIVA GOLF CLUB'S MOTION FOR LEAVE TO INTERVENE

SANLANDO UTILITIES CORPORATION ("Sanlando"), by and through its undersigned attorneys, objects to Wekiva Golf Club's motion to intervene and as grounds says as follows:

Only a party which has a "substantial interest" in this proceeding may intervene.¹ Wekiva Golf Club ("Wekiva") has failed to demonstrate in its motion to intervene any interest in this proceeding. Wekiva has not demonstrated how the Commission's decision in this proceeding will affect Wekiva, let alone how it will affect a substantial interest of Wekiva. Therefore, the Commission should find that Wekiva does not have a substantial interest in the this proceeding and should deny its motion to intervene.

An intervenor, in its request for intervention, is required to: (1) give "an explanation of how his or her substantial interests will be or are affect by the Commission determination"; (2) give "a statement of all known disputed issues of material

¹ Florida Administrative Code §25-22.039.

fact"; (3) give "a concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief"; and (4) demand some form of relief.²

Wekiva has failed to assert how the Commission's decision in this proceeding will affect a substantial interest of Wekiva. Wekiva has failed to assert any disputed issues of material fact. Wekiva has failed to assert any ultimate facts and has failed to identify any rule or statute which entitles Wekiva to any relief in this proceeding. Lastly, Wekiva has failed to demand any relief. For these reasons Wekiva's motion to intervene is defective and should be denied.

An intervenor, in its request for intervention, must "include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding."³

Wekiva, in its motion, has failed to cite any statutory or constitutional provisions or rights that entitle Wekiva to intervene. Furthermore, Wekiva has failed to identify a substantial interest of Wekiva. Even if Wekiva has set out a substantial interest, it has failed to assert how that interest will be affected by the Commission's decision in this proceeding.

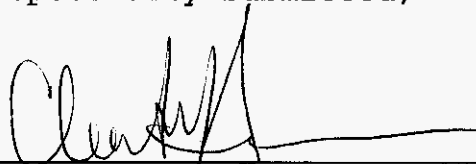
² Florida Administrative Code §25-22.039; Florida Administrative Code §25-22.036(7)(a).

³ Florida Administrative Code §25-22.039.

Therefore, Wekiva has failed to adequately support its mere conclusory allegation that it has the right to intervene, and its motion to intervene should be denied.

Wekiva's motion to intervene should be denied because it has not been timely filed. If the Commission were to grant Wekiva's motion, this proceeding would be unnecessarily delayed and the various rights of the parties involved in this proceeding would be unduly prejudiced.

Respectfully submitted,



CLEATUS J. SIMMONS, ESQUIRE
Florida Bar No.: 0240737
LOWNDES, DROSDICK, DOSTER,
KANTOR & REED, PROFESSIONAL
ASSOCIATION
215 N. Eola Drive
Post Office Box 2809
Orlando, Florida 32802
407/843-4600

Attorney for
SANLANDO UTILITIES CORPORATION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and fifteen (15) copies of the foregoing Objection were filed with the Division of Records and Reporting, Florida Public Service Commission and one (1) true and correct copy was forwarded by United States Mail this 29th day of August 1994 to the following parties of record:

Nancy B. Barnard, Esquire
Assistant General Counsel
St. Johns River Water
Management District
Post Office Box 1429
Palatka, Florida 32178-1429

Jennifer L. Burdick, Esquire
Assistant General Counsel
St. Johns River Water
Management District
Post Office Box 1429
Palatka, Florida 32178-1429

Kathy Biddell
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

Maggie O'Sullivan, Esquire
Division of Legal Service
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

Jack Shreve, Public Counsel
Stephen C. Reilly, Associate Public Counsel
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

Robert L. Taylor
1900 Summit Tower Boulevard, Suite 800
Orlando, Florida 32810

Tricia A. Madden
108 Beaufort Drive
Longwood, Florida 32779

Robert E. Swett
106 Wyndham Court
Longwood, Florida 32779

Jack Hiatt
1816 Wingfield Drive
Longwood, Florida 32779;

Charles Lee
Senior Vice President
Florida Audubon Society
460 Highway 436, Suite 200
Casselberry, Florida 32707

E. Givens Goodspeed, Esquire
Giles & Robinson, P.A.
390 N. Orange Avenue, Suite 800
Post Office Box 2631
Orlando, Florida 32802


Christopher P. Tessitore, Esquire