

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

August 8, 1997

Kenneth Gatlin, Esquire
Gatlin, Schiefelbein & Cowdery
1709-D Mahan Drive
Tallahassee, FL 32308

Re: Docket No. 970657-WS - Application of Lake Suzy Utilities, Inc. for Amendment of Certificates Nos. 480-W and 416-S to add and delete territory in Charlotte and DeSoto Counties

Dear Mr. Gatlin:

As I understand it, your firm has been retained by Lake Suzy to represent the utility in the above-referenced matter. Therefore, I am addressing this correspondence to you instead of Mr. Dallas Shepard who originally filed the application on behalf of the utility.

As I am sure you are aware, on June 3, 1997, Lake Suzy filed the above-referenced application. Upon further review of the amendment application, staff has now determined that the application as filed is not the appropriate application. The correct application to be filed is an original in existence certificate application, pursuant to Section 367.045, Florida Statutes.

On March 5, 1997, the DeSoto County Board of County Commissioners met and adopted Resolution No. 97-21 rescinding Florida Public Service Commission jurisdiction in DeSoto County effective immediately. Accordingly, by Order No. PSC-97-0603-FOF-WS, issued May 27, 1997, in Docket No. 970411-WS, the Commission acknowledged DeSoto County's rescission of jurisdiction and ordered Lake Suzy's certificates to be returned to the Commission for cancellation within 30 days of the conclusion of Docket No. 960799-WS, a staff-assisted rate case.

Pursuant to Section 367.171(5), Florida Statutes, when a county rescinds jurisdiction, the Commission retains jurisdiction over only those cases currently pending before the Commission. The only pending matter involving Lake Suzy at the time of DeSoto County's rescission of jurisdiction was the staff-assisted rate case. Lake Suzy's amendment application was not filed until after the County rescinded jurisdiction. Procedurally, Lake Suzy's certificates will be canceled after the conclusion of the staff-assisted rate case, and there will be no certificates for Lake Suzy to

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER - DATE

0822 | AUG 13 97

FPSC-RECORDS/REPORTING

Kenneth Gatlin, Esquire

Page 2

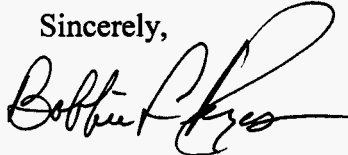
August 1, 1997

amend. Therefore, the appropriate filing in this matter is an application for an original in existence certificate instead of an application for amendment of certificate.

Please advise your client that it will now be necessary for the utility to file an application for an original in existence certificate. I have included an application for your convenience. Please note that Lake Suzy will also need to provide notice of this application pursuant to Section 367.045, Florida Statutes, and Rule 25-30.030, Florida Administrative Code.

If you have any questions or if I may be of assistance to you in this matter, please feel free to call me at (850) 422-2437.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobbie L. Reyes", with a stylized flourish extending to the right.

Bobbie L. Reyes
Senior Attorney