

ORIGINAL

RECEIVED-FPSC

MEMORANDUM

9 AUG 24 PM 4:12

August 24, 1998

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (JAEGER)

RE: DOCKET NO. 921098-WS - APPLICATION FOR CERTIFICATES TO PROVIDE WATER AND WASTEWATER SERVICE IN ALACHUA COUNTY UNDER GRANDFATHER RIGHTS BY TURKEY CREEK, INC. & FAMILY DINER, INC. D/B/A TURKEY CREEK UTILITIES.

Please place the attached Petition to Enforce Final Order, civil court coversheet, and Summons in the docket file.

RRJ/lw

Attachment

cc: Division of Water and Wastewater (Chase)

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

DOCUMENT NUMBER-DATE

09194 AUG 24 98

RECORDS AND REPORTING

IN THE CIRCUIT COURT OF THE
EIGHTH JUDICIAL CIRCUIT IN AND
FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

CASE NO.: 98-2252-CA

Petitioner,

DIVISION: 5

vs.

NORWOOD W. HOPE
and
TURKEY CREEK, INC. & FAMILY DINER, INC. d/b/a
TURKEY CREEK UTILITIES

Respondents,
_____ /

CLERK OF THE COURT
ALACHUA COUNTY FLORIDA
98 JUN 22 AM 10:18
FILED

received
JUN 22 1998

PETITION TO ENFORCE FINAL ORDER

Petitioner, Florida Public Service Commission (Commission), by and through its undersigned attorneys and pursuant to Sections 120.69 and 367.011, Florida Statutes, petitions this Court to enforce the Commission's Final Order No. PSC-93-1769-FOF-WS, and in support thereof states:

1. By resolution, effective June 30, 1992, Alachua County gave jurisdiction over investor-owned water and wastewater utilities in Alachua County to the Commission.

2. On October 26, 1992, Family Diner, Inc. and Turkey Creek, Inc., d/b/a Turkey Creek Utilities (Turkey Creek or utility), an investor-owned utility in Alachua County, filed an application for a grandfather certificate to provide water and wastewater service pursuant to Section 367.171, Florida Statutes.

JUN 22 1998
LEGAL DIVISION

ALACHUA COUNTY CIRCUIT COURT

I. Case Style

Plaintiff State of Florida
Public Service Commission

Case No. 98-2252-CA
 Judge Chester B. Chance

VS.

Defendant Norwood W. Hope and
Turkey Creek, Inc. & Family Diner, Inc. d/b/a
Turkey Creek Utilities

II. Type of Case (Place an X in one box only. If the case fits more than one type of case -- select the most definitive.)

DOMESTIC RELATIONS - DIV. "A"	TORTS - DIV. "D"	OTHER CIVIL
<input type="checkbox"/> Simplified Dissol. (Kit)	<input type="checkbox"/> Profess. Malpractice	<input type="checkbox"/> Contracts - Div. D
<input type="checkbox"/> Dissolution	<input type="checkbox"/> Products Liability	<input type="checkbox"/> Condominium - Div. D
<input type="checkbox"/> Support - IV-D	<input type="checkbox"/> Auto Negligence	<input type="checkbox"/> Real Property - Div. C Mortg. Foreclosure
<input type="checkbox"/> Support - Non IV-D	<input type="checkbox"/> Other Negligence	<input type="checkbox"/> Eminent Domain - Div. D
<input type="checkbox"/> URESA - IV-D		<input type="checkbox"/> Const. Law - Div. - B Bond Validation
<input type="checkbox"/> ADOPTION		
<input type="checkbox"/> URESA - Non IV-D		<input type="checkbox"/> Accounting - Div. Declaratory Judge- ments, Specific Performance - Div - C
<input type="checkbox"/> Domestic Violence		<input checked="" type="checkbox"/> Other - Div.
<input type="checkbox"/> Other Domestic Relations		
<input type="checkbox"/> Name Change		

II. Is Jury Trial Demanded In Complaint?

Yes
 No

III. Time Standard Applicable (Insert date that time standard expires)

Date: August 20, 1998

SIGNATURE OF ATTORNEY FOR PARTY
 INITIATING ACTION:

BY: Ralph R. Jaeger

IN THE CIRCUIT COURT OF THE
EIGHTH JUDICIAL CIRCUIT,
ALACHUA COUNTY

State of Florida

Public Service Commission ^{Plaintiff.}

VS.

Norwood W. Hope and

Turkey Creek, Inc. & ^{Defendant.}
Family Diner, Inc. d/ba/
Turkey Creek Utilities

CASE NO. 98-2252-CA

Summons

PERSONAL SERVICE ON A NATURAL PERSON

TO: Mr. Norwood Hope
158 Turkey Creek
Alachua, Florida 32615-9572

IMPORTANT

A lawsuit has been filed against you in this court. You have 20 calendar days after receiving this summons to file your written response to the attached complaint. This response must be filed with the clerk of the court at the address shown below.

If you do not file your response on time, you may lose your case. (The court could enter a judgment in favor of the plaintiff and you could lose wages, money and property without further warning.)

You may want to contact an attorney right away, as court proceedings can get involved and advise of counsel could be very important to you. If you do not know an attorney, you may call an attorney referral service or a legal aid office listed in the telephone directory. If you do not hire an attorney and chose to represent yourself in court, make sure that your response contains the case number and the names of the parties (as shown at the top of this page).

The original of your response must be filed with:

Clerk of the Circuit Court
Civil Division
201 East University Avenue
Gainesville, Florida 32601

P.O. Box 600
Gainesville, Florida 32602

A copy of your response must also be mailed or delivered to the plaintiff's attorney:

- Ralph R. Jaeger, Senior Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Remember to keep a copy of your response for your own referral.

THE STATE OF FLORIDA

TO EACH SHERIFF OF THE STATE: You are commanded to serve this Summons and a copy of the Complaint in this lawsuit on the above-named defendant(s).

DATED ON _____, 19 _____

J.K. "BUDDY" IRBY
CLERK OF THE CIRCUIT COURT

Rv.

IMPORTANTE

Un pleito ha sido archivado en su contra en ésta corte. Usted tiene 20 días hábiles después de recibir ésta citación, para archivar su respuesta por escrito a ésta queja. Esta respuesta debe ser archivada con el Secretario de la Corte en la dirección mostrada abajo.

Si Usted no archiva su respuesta a tiempo, Usted quizás pierda su caso. (La Corte entrará un juicio en favor del demandador, y Usted perderá su salario, dinero y propiedad sin previo aviso).

Usted tal vez quiera ponerse en contacto con su abogado inmediatamente, como procedimiento, la Corte le aconseja que un abogado sería de mucha importancia para Usted. Si Usted no conoce ningún abogado, usted puede llamar al servicio referente de abogados, o a cualquier oficina legal citada en el directorio telefónico. Si usted no emplea un abogado, y desea representarse a sí mismo en la Corte, asegúrese de que su respuesta contiene el número de su caso y los nombres de los participantes, (como mostrado en la parte superior de este documento).

El documento original de su respuesta debe ser archivado con:

Clerk of the Circuit Court
Civil Division
201 East University Avenue
Gainesville, Florida 32601

P.O. Box 600
Gainesville, Florida 32602

Una copia de su respuesta debe ser enviada a el abogado del demandador perteneciente al nombre y dirección mostrado al lado de el asterisco en la parte de atras.

Recuerde conservar una copia de la misma, para su propio beneficio.

IMPORTANT

Une demande de procès a été déposée contre vous à ce tribunal. Vous avez 20 jours après la réception de cette sommation pour déposer votre réponse écrite à la plainte ci-jointe. Cette réponse doit être déposée auprès du greffier du tribunal à l'adresse mentionnée ci-dessous.

Si vous ne soumettez pas votre réponse à temps, il est possible que vous perdiez le procès. (Le tribunal pourrait juger en faveur du plaignant et vous pourriez perdre votre salaire, de l'argent ou vos possessions sans autre préavis.)

Vous voudrez peut-être consulter un avocat immédiatement, car la façon de procéder du tribunal peut être compliquée et les conseils d'un avocat pourraient vous être très utiles. Si vous ne connaissez pas d'avocat, vous pouvez téléphoner soit à un bureau de renseignements concernant les avocats disponibles, soit à un service d'aide juridique qui se trouvent dans l'annuaire téléphonique. Si vous n'engagez pas un avocat et décidez de prendre vous-même votre défense devant le tribunal, n'oubliez pas de mentionner sur votre réponse le numéro de votre affaire et les noms des intéressés (indiqués au haut de cette page).

L'original de votre réponse doit être soumis au greffier du tribunal à l'adresse suivante:

Clerk of the Circuit Court
Civil Division
201 East University Avenue
Gainesville, Florida 32601

P.O. Box 600
Gainesville, Florida 32602

Une copie de votre réponse doit également être postée ou remise à l'avocat du plaignant le nom et l'adresse qui se trouvent a coté de la marque de l'autre coté de la page.