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December 1, 1998

HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

Re: Docket Nos. 970657-WS and 980261-WS

Dear Ms. Bayo:


Enclosed herewith for filing in the above-referenced docket on behalf of Florida Water Services Corporation ("Florida Water") are the following:

1. Original and fifteen copies of Florida Water's Prehearing Statement; and
2. A disk in Word Perfect 6.0 containing a copy of the Prehearing Statement.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,


Kenneth A. Hoffman

ACK _____
 AFA _____
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG _____
 LEG 1 _____
 LIN 5 KAH/rl
 OPC ~~cc:~~ All Parties of Record
 RCH _____
 SEC 1 Trib.3
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DOCUMENT NUMBER-DATE

13467 DEC-1 88

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In. Re: Application for)
and certificates to operate a)
water and wastewater utility)
in Charlotte and DeSoto Counties)
by Lake Suzy Utilities, Inc.)
_____)

Docket No. 970657-WS

and

In Re: Application for)
Amendment of Certificate Nos.)
570-W and 496-S in Charlotte)
County by Florida Water Services)
Corporation.)
_____)

Docket No. 980261-WS

Filed: December 1, 1998

FLORIDA WATER SERVICES CORPORATION'S
PREHEARING STATEMENT

COMES NOW, Florida Water Services Corporation ("Florida Water"), by and through its undersigned counsel and hereby files this Prehearing Statement pursuant to the Order Establishing Procedure issued in this docket.

I. STATEMENT OF BASIC POSITION

Florida Water and Lake Suzy Utilities, Inc. ("Lake Suzy") have filed competing territory amendment applications with the Commission. Although Lake Suzy has applied for substantially greater territory within DeSoto County, the area which Florida Water and Lake Suzy both seek to add to their respective territories is known as the Links Subdivision, consisting of some 50 lots within Charlotte County. Lake Suzy does not have adequate

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FPSC-RECORDS/REPORTING

technical and financial ability to provide service to the territory it requests. Florida Water has more than adequate technical and financial ability to serve the territory it requests. The Commission should find that it is in the public interest for Florida Water, not Lake Suzy, to provide water and wastewater service to the Links Subdivision.

II. ISSUES AND POSITIONS

Issue 1: Does Lake Suzy have adequate technical and financial ability to provide water and wastewater service to the proposed amended territory requested in its application?

Position: No.

Issue 2: Is it in the public interest for Lake Suzy to be granted the proposed amended territory requested in its application?

Position: No.

Issue 3: Does Florida Water have adequate technical and financial ability to provide water and wastewater service to the proposed amended territory requested in its application?

Position: Yes. (Armstrong, Sweat)

Issue 4: Is it in the public interest for Florida Water to be granted the proposed amended territory requested in its application?

Position: Yes. (Armstrong, Sweat)

Issue 5: Will granting Florida Water's application for amendment (sanctioning extension of its system) result in competition with or duplication of any other system or portion of a system, and, if so, is the latter system or portion thereof inadequate or

unable to meet the need for service?

Position: Lake Suzy has unlawfully connected one lot (lot 18) in the Links Subdivision to its water service. However, Lake Suzy is not able to meet the reasonable needs of the public for service throughout the Links Subdivision. Further, Lake Suzy should have no advantage or protection in this proceeding pursuant to the competition/duplication provision of Section 367.045(5)(a), Florida Statutes, by virtue of Lake Suzy's violation of Section 367.045(2). When Florida Water is granted the Links Subdivision as part of its territory, Lake Suzy's water line to lot 18 should be removed.

Issue 6: Does the Commission have the jurisdictional authority to consider Charlotte County Utilities' claim that the Links Subdivision is included within the County's alleged pre-existing utility district as declared by a County Board's resolution?

Position: No. The Commission does not have legal authority to determine the validity or invalidity of Charlotte County's declared utility district. Rather, the Commission is charged with making a public interest determination as to Lake Suzy's and Florida Water's respective applications.

III. FLORIDA WATER WITNESSES

<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
<u>Direct</u>		
Brian Armstrong	Florida Water	3,4
Charles Sweat	Florida Water	3,4
<u>Rebuttal</u>		
Brian Armstrong	Florida Water	3,4

IV. EXHIBITS

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Brian Armstrong	Florida Water	BPA-1	Florida Water's A m e n d m e n t Application

Florida Water reserves the right to identify additional exhibits for the purpose of cross-examination.

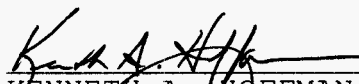
V. PROPOSED STIPULATIONS

At or before the Prehearing Conference, Florida Water intends to propose stipulations as to the admissibility of certain evidence and, as necessary, factual issues not in dispute.

VI. PENDING MATTERS

None.

Respectfully submitted,




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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U. S. Mail to Martin S. Friedman, Esq., Rose, Sundstrom & Bentley, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301; John Marks, Esq., Knowles, Marks & Randolph, 215 South Monroe Street, Tallahassee, Florida 32301; and Bobbie Reyes, Esq., Florida Public Service Commission, Legal Division, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; and Charlotte L. Sopka, Haus Development, Inc., Post Office Box 3024, Port Charlotte, Florida 33949 on this 1st day of December, 1998.



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