Case Assignment and Scheduling Record

Section 1 - Division of Records and	d Repor 1 (RA	R) Completes										
Docket No. <u>980767-WS</u> Date D	ocketed: <u>06/18</u>	<u>/1998</u> Title:	Joint a	pplicat	tion fo	or trans	sfer of	facilit	ies of G nc. in L	ulf Ut	ility ntv	
Company: Gulf Environmental Servi	ces. Inc.		and car	icellat	ion of	Certif	icate N	os. 072-	W and 06	4-S.		
Gulf Utility Company												
Official Filing Date:												
Last Day to Suspend:	Expiration	1:										
Referred to: ("()" indicates OPR)	ADM AFA	APP CAF	CMU ——	EAG	GCL	LEG X	RAR	RRR ——	(WAW) _X_			
Section 2 - OPR Completes and retu	rns to RAR in 1	.0 workdays.				Tim	e Sched	<u>ule</u>				
Program/Module B1(e)		WARNING: THI	S SCHEDUL	E IS A	N INTE	RNAL PL	ANNING	DOCUMENT	<u>r.</u>			
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Initials: OPR Staff Counsel		38. 39. 40.										
Section 3 - Chairman Completes												
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PSC/RAR-15 (Rev. 1/98)		* 00	MDI ETEN S	EVENTS	200							

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. <u>980767-WS</u>

Company: Gulf Environmental Services, Inc. Gulf Utility Company

Date Docketed: 06/18/1998 Title: Joint application for transfer of facilities of Gulf Utility Company to Gulf Environmental Services, Inc. in Lee County and cancellation of Certificate Nos. 072-W and 064-S.

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- Hearing Officer(s)

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Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

- Prehearing Officer

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Approved:

Date: 07/02/1998



Case Assignment and Scheduling Record

Section 1 - Division of Records and Report (RAR) Completes Docket No. 980767-WS Date Docketed: 06/18/1998 Title: Joint application for transfer of facilities of Gulf Utility Company to Gulf Environmental Services, Inc. in Lee County and cancellation of Certificate Nos. 072-W and 064-S. Company: Gulf Environmental Services. Inc. Gulf Utility Company Official Filing Date: Last Day to Suspend: Expiration: Referred to: ("()" indicates OPR) **AFA** ADM APP CAF CMU EAG GCL LEG RAR RRR (WAW) X Χ Section 2 - OPR Completes and returns to RAR in 10 workdays. Time Schedule WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.

IT IS TENTATIVE AND SUBJECT TO REVISION. <u>Program/Module</u> B1(e) Staff Assignments FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 Current CASR revision level Due Dates OPR Staff P Brady Previous Current <u>Deficiency Notification to Applicant</u> NONE 07/20/1998 11/22/1998 01/21/1999 Deficiencies Corrected Staff Recommendation NONE 3. NONE Agenda - Regular Staff Counsel J Brubaker, A Crosby 02/02/1999 NONE Standard Order
Close Docket or Revise CASR 02/22/1999 5. NONE OCRs () NONE 03/24/1999 8 9 10.) 11 12 13. 14 15) 16 17 18. 19 20. 21 22 23 24 25 26 () 27 28 29 30 31 Recommended assignments for hearing and/or deciding this case: 32 33 34 Full Commission X Hearing Examiner Commission Panel 35 36 37 Date filed with RAR: 07/02/1998 38 39 Initials: Staff Counsel 40. Section 3 - Chairman Completes Assignments are as follows: - Hearing Officer(s) - Prehearing Officer Commissioners Hrg. Staff Commissioners ADM Exam JN ALL DS CL GR JC JN DS CL GR JC X X Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case. Approved: Where one Commissioner, a Hearing Examiner or a Staff Member is

PSC/RAR-15 (Rev. 1/98)

assigned the full Commission decides the case.

Date: 07/02/1998

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING BLANCA S. BAYÓ DIRECTOR (850) 413-6770

Public Service Commission

June 19, 1998

B. Kenneth Gatlin, Esquire Gatlin, Schiefelbein & Cowdery, P.A. 3301 Thomasville Road, Suite 300 Tallahassee, Florida 32301

Re: Docket No. 980767-WS

Dear Mr. Gatlin:

This will acknowledge receipt of a joint application for transfer of facilities of Gulf Environmental Services, Inc. in Lee County and cancellation of Certificate Nos. 072-W and 064-S, which was filed in this office on June 18, 1998 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6078 or FAX (850) 413-6079.

Division of Records and Reporting Florida Public Service Commission

cc: Daren L. Shippy, Esquire

PSC Website: www2.scri.net/psc

BOARD OF COUNTY COMMISSIONERS

(941) 479-8544

Writer's Direct Dial Number:

John E. Manning District One

August 18, 1998

Douglas R. St. Cerny District Two

Ray Judah District Three Commissioner Joe A. Garcia

FLORIDA PUBLIC SERVICE COMMISSION

Andrew W. Coy District Four

2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

John F. Albion District Five

Dear Commissioner Garcia:

Donald D. Stilwell County Manager

James G. Yaeger

County Attorney

Diana M. Parker County Hearing Examiner

I am extremely disappointed that your staff has denied the transfer of Gulf Utility to Gulf Environmental Services, Inc.

The Lee County Board of County Commissioners decided that it was in the public interest to acquire Gulf Utility. To that end, the Lee County Board of County Commissioners established a governmental authority known as Gulf Environmental Services, Inc. Gulf Environmental Services, Inc. was established by appropriate resolutions at public meetings. All of its financing and authority to issue bonds was created by the Lee County Board of County Commissioners. All of the rates of Gulf Environmental Services are set by the Lee County Board of County Commissioners. Lee County may dissolve Gulf Environmental Services, Inc. and absorb its operations into our County system by resolution. We contemplate that having Gulf Environmental Services, Inc. operate the utility system is an interim step to direct operations by the County. We believe that the utility system being operated by Gulf Environmental Services, Inc., is a governmental utility operation. We are indeed disappointed and concerned that your staff does not agree. Your staff's position is an impediment to Lee County's utility acquisition and operation program.

The procedure employed in using a not-for-profit corporation to accomplish the acquisition of Gulf Utility Company, on behalf of the Board of County Commissioners of Lee County, is exactly identical to the procedure employed by the City of Palm Bay in its purchase of General Development Utilities in 1992. The City of Palm Bay set up the Palm Bay Utility Corporation, a Florida not-for-profit corporation, which took title to the assets as an interim measure. Just a couple of years later, the City dissolved Palm Bay Utility Corporation, and merged the assets into the City system. Your Commission issued its Final Order approving that procedure in December of 1992. The same thing happened a couple of years earlier when the City of Kissimmee bought Osceola Services Company. We question why we are being treated differently in this case.

- continued -

Letter to Commissioner Joe A. Garcia August 18, 1998

Page Two

I would appreciate any assistance in helping Lee County carry out its utility program.

Sincerely,

J.W. French, P.E., F.ASCE

Lee County Director of Public Works

and President of Gulf Environmental Services, Inc.

JWF:emc

cc: Jim Garner

Bill Sundstrom

Tony Reeves

RUTLEDGE, ECENIA, UNDERWOOD, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION ATTORNEYS AND COUNSELORS AT EAW

STEPHEN A. ECENIA

JOHN R. ELLIS

KENNETH A. HOFFMAN

THOMAS W. KONRAD

MICHAEL G. MAIDA

J. STEPHEN MENTON

R. DAVID PRESCOTT

HAROLD F. X. PURNELL

GARY R. RUTLEDGE

R. MICHAEL UNDERWOOD

SERVIO I GOMMESSION POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, 500E 440UG 24

TALLAHASSEE, FLORIDA 32301-1841

MAILROOM

TELEPHONE (850) 681-6788 TELECOPIER (850) 681-6515

August 21, 1998

Ms. Blanca 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:

Florida PSC Docket Nos 980767-WS and 980957-WS

Dear Ms. Bayo:

The undersigned represents Florida Water Services Corporation ("Florida Water"). Florida Water is interested in the above-referenced dockets. Please provide copies of all notices, CASRs, orders, staff recommendations, pleadings and other documents filed, served or issued in the abovereferenced dockets to the following:

Kenneth A. Hoffman, Esq. John R. Ellis, Esq. Rutledge, Ecenia, Underwood, Purnell & Hoffman, P.A. P. O. Box 551 Tallahassee, FL 32302-0551 (850) 681-6788 (phone) (850) 681-6515 (fax)

Thank you for your assistance in this matter.

Sincerely.

Kenneth A. Hoffman

KAH/rl

OF COUNSEL! CHARLES F. DUDLEY

GOVERNMENTAL CONSULTANTS:

PATRICK R MALOY AMY J. YOUNG



ect Dial Number:

(941) 479-8544

BOARD OF COUNTY COMMISSIONERS

John E. Manning District One

September 10, 1998

Douglas R. St. Cerny District Two

Ray Judah District Three

Commissioner Joe A. Garcia

Andrew W. Cov

FLORIDA PUBLIC SERVICE COMMISSION

District Four

2540 Shumard Oak Boulevard

John F Albion District Five

Tallahassee, Florida 32399-0850

Donald D. Stilwell County Manager

Dear Commissioner Garcia:

James G. Yaeger County Attorney Diana M. Parker

County Hearing Examiner

I wrote you on August 18, 1998 concerning the purchase by Lee County of Gulf Utility Company (a copy of that letter is attached for your ready reference).

Our Board has asked whether or not you have received my letter, and if so, what your response is. Would you, therefore, please look into this matter and respond to my inquiry?

Sincerely.

J.W. French, P.E., F.ASCE

Lee County Director of Public Works and

President of Gulf Environmental Services, Inc.

JWF:emc

Attachment

cc: Public Services Commission

Commissioner Susan Clark

Commissioner Terry Deacon

Commissioner Leon Jacobs

Commissioner Julie Johnson

Lee County Board of County Commissioners

Bill Sundstrom

Jim Garner

Tony Reeves

RECEIVED

Florida Public Service Comm. Commissioner Clark

Commissioners: JULIA L. JOHNSON, CHAIRMAN J. TERRY DEASON SUSAN F. CLARK JOE GARCIA E. LEON JACOBS, JR.



CAPITAL CIRCLE OFFICE CENTER 2540 SHUMARD OAK BOULEVARD **TALLAHASSEE, FL 32399-0850**

Bublic Service Commission

September 24, 1998

Kenneth B. Gatlin, Esquire Ruden, McClosky, Smith, Schuster & Russell, P.A. 215 South Monroe Street Suite 815 Tallahassee, Florida 32301

Re:

Docket No. 980767-WS - Joint application for transfer of facilities of Gulf Utility Company to Gulf Environmental Services, Inc. and cancellation of Certificate

Nos. 072-W and 064-S

Dear Mr. Gatlin:

Enclosed is a copy of the Staff Recommendation filed in this matter on November 5, 1998. The Commission is expected to consider this Recommendation at its November 17, Agenda Conference which will be held in Room 148, Betty Easley Conference Center, 4075 Esplanade Way, in Tallahassee beginning at 9:30 a.m. Due to the number of items to be covered at this conference, we cannot state the exact time at which this item will be heard. You are welcome to come to this Agenda Conference and observe and/or participate in the discussion of this item. If you have any questions, please feel free to call me at (850) 413-6228.

Sincerely,

Jennifer S. Brubaker

er Bubaber

Staff Attorney

JSB/lw

cc: Division of Water and Wastewater (Brady)

Division of Records and Reporting

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.



CAPITAL CIRCLE OFFICE CENTER 2540 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-0850

Public Service Commission

September 24, 1998



Darren Shippey, Esquire 2548 Blairstone Pines Drive Tallahassee, Florida 32301

Re:

Docket No. 980767-WS - Joint application for transfer of facilities of Gulf Utility Company to Gulf Environmental Services, Inc. and cancellation of Certificate Nos. 072-W and 064-S

Dear Mr. Shippey:

Enclosed is a copy of the Staff Recommendation filed in this matter on November 5, 1998. The Commission is expected to consider this Recommendation at its November 17, Agenda Conference which will be held in Room 148, Betty Easley Conference Center, 4075 Esplanade Way, in Tallahassee beginning at 9:30 a.m. Due to the number of items to be covered at this conference, we cannot state the exact time at which this item will be heard. You are welcome to come to this Agenda Conference and observe and/or participate in the discussion of this item. If you have any questions, please feel free to call me at (850) 413-6228.

Sincerely,

Jennifer S. Brubaker

-Bubabu

Staff Attorney

JSB/lw

cc:

Division of Water and Wastewater (Brady)

Division of Records and Reporting

State of Florida

Susan F. Clark
Commissioner



Capital Circle Office Center 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 (850) 413-6040 Fax: (850) 413-6395

Public Service Commission

MEMORANDUM

September 24, 1998

RECUINCE AND REPORTING

TO:

BLANCA BAYO, DIRECTOR OF RECORDS AND REPORTING

FROM:

KAY POSEY, COMMISSIONER CLARK'S OFFICE

RE:

INTERCEPTED COMMUNICATION FROM INTERESTED PARTY RECEIVED

IN DOCKET NO. 980767-WS

This office has received the following correspondence. The correspondence has not been viewed or considered in any way by Commissioner Clark. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991 as CEO 91-31-July 19, 1991), the following letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Commissioner. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of section 350.042, Florida Statutes. However, in such cases Commissioner Clark has requested that a copy of the correspondence and this memo be, as a matter of routine, placed in the correspondence side of the file in this docket.

Attachment

Commissioners: JULIA L. JOHNSON, CHAIRMAN J. TERRY DEASON SUSAN F. CLARK JOE GARCIA E. LEON JACOBS, JR.



DIVISION OF WATER & WASTEWATER CHARLES H. HILL DIRECTOR (850) 413-6900

Public Service Commission

September 29, 1998

SS DET -2 PH 1: 46

Ms. Lesa Holstine 20980 Andiron Place Estero, Florida 33928

Re: Docket No. 980767-WS - Joint application for transfer of facilities of Gulf Utility Company to Gulf Environmental Services, Inc. in Lee County, and cancellation of Certificate Nos.

072-W and 064-S

Dear Ms. Holstine:

This letter is in response to your September 22, 1998 E-Mail complaint (copy attached) about the rates being charged by Gulf Environmental Services, Inc. (GES). After a public hearing held on June 9, 1998, an Agreement for Purchase and Sale of Water and Wastewater Assets from Gulf Utility Company (Gulf) to GES was adopted by the Lee County Board of County Commissioners pursuant to Resolution No. 98-03-249. The sale agreement closed in June of 1998 and GES took over operations of the utility under rates established by its Board of Directors which are appointed by the Board of County Commissioners.

Although the Commission does regulate Gulf's rates and charges, GES, as a government-controlled corporation, is exempt from Commission regulation pursuant to Chapter 367.022(2), Florida Statutes. However, instead of filing for transfer of Gulf's certificates to a government-controlled entity, GES filed as a transfer to a governmental authority. Staff will file a recommendation for the Commission's consideration during the November 3, 1998 Agenda Conference, requesting clarification from the Commission on how to handle the filing. Meanwhile, you may wish to direct any complaints about GES's rates to the Board of County Commissioners.

PSC Website: www2.scri.net/psc

Ms. Lesa Holstine September 29, 1998 Page 2

I hope this information has been useful. If you have any further questions about the Commission's docket, you may contact either Ms. Patricia Brady, of my staff, at (850) 413-6686 or Ms. Jennifer Brubaker, staff's legal counsel, at (850) 413-6228.

Sincerely,

bill lowe Assistant Director

s:\psc\waw\wp\holstine.plb
bl:pb

Attachment

cc: Mr. B. Kenneth Gatlin, Esquire, Gulf Utility Company

Mr. Daren L. Shippy, Esquire, Gulf Environmental Services, Inc.

Mr. J. W. French, Lee County Director of Public Works and

President, Gulf Environmental Services, Inc.

Division of Water and Wastewater (Williams, Messer, Brady, Roland)

Division of Legal Services (Jaber, Brubaker)

Division of Consumer Affairs (Raspberry)

Division of Records and Reporting

```
Printed by Randy Roland 9/22/98 2:20pm
From: INTERACT @ SMTP {Intera _ive.Slamming.Form@www2.scri.n }
     Jennifer Erdman-Bridges, LRASBERRY @ PSC, Pamela Johnson
Subject: fwd: Slamming Complaint
-----
Return-Path: <nobody@www2.scri.net>
Received: from www2.scri.net (207.156.5.16)
    by mail.psc.state.fl.us (Connect2-SMTP 4.30A.1000128);
    Tue, 22 Sep 1998 11:42:04 -0400
Received: (from nobody@localhost)
    by www2.scri.net (8.8.5/8.8.5) id LAA29895;
    Tue, 22 Sep 1998 11:42:29 -0400 (EDT)
Date: Tue, 22 Sep 1998 11:42:29 -0400 (EDT)
Message-Id: <199809221542.LAA29895@www2.scri.net>
From: Interactive.Slamming.Form@www2.scri.net
Subject: Slamming Complaint
recipient:
LRASBERRY@PSC.STATE.FL.US,PJOHNSON@PSC.STATE.FL.US,JERDMANB@PSC.STATE.FL.US
return-email:
LRASBERRY@PSC.STATE.FL.US,PJOHNSON@PSC.STATE.FL.US,JERDMANB@PSC.STATE.FL.US
return-name: Consumer
subject: Water & Wastewater Other Complaint Form
Account Holder: James Holstine
Submitted by: Lesa Holstine
Service Address: 20980 Andiron Pl.
City, State and Zip Code: Estero, FL 33928
County: Lee
Mailing Address=
Mailing City, State and Zip Code=
E-mail Address: jimdti@peganet.com
Telephone Number at the Service Address: 941-992-6142
Daytime Contact Telephone Number=
Utility's Name: Gulf Environmental Services, Inc.
Account Number: 8533-2
Contacted company in dispute: YES
name of contact: Gail or Gwen
date of contact: Sept. 17, 1998
comments: We are extremely upset at the enormous jump in our water rates since GES
took over. Our bill for 9/15 was $91.65. In April and May, our bill was $77.81.
One month we filled a 10,000 gal. pool. One month we had a leak that has since
been fixed. Our normal bill averages $60. This means we are now faced with a 33%
jump in our normal rate. I understand this will continue. This enormous jump in
the water rate hits the middle-class taxpayer extremely hard, and it outrageous.
We can't understand why they have
instituted a tiered billing system that is causing such an enormous jump in the
bill. Thank you for your attention to the matter of Gulf Environmental Services,
Inc.'s rate hikes.
Fwd to: Bill Lowe
CC: Leroy Rasberry, Pamela Johnson, Randy Roland
For W&W handling. Thanks.
Fwd to: Randy Roland
CC: John Williams
in ......
Randy, Please assign this to John. Thanks.
```

Joe Garcia Commissioner



Capital Circle Office Center 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 (850) 413-6042

Fax: (850) 413-6395

Public Service Commission

MEMORANDUM

TO:

Blanca Bayó

Director, Division of Records and Reporting

FROM:

Jorge Cruz-Bustillo

Executive Assistant to Commissioner Garcia

RE:

Written Communication Regarding Docket No. 980767-WS

Pursuant to Section 350.042, Florida Statutes

DATE:

September 16, 1998

This office has received the two attached correspondence. The two correspondence has not been viewed or considered in any way by the Commissioner. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991, as CEO 91-31-July 19, 1991) this letter does not constitute an *ex parte* communication by virtue of the fact that it was not shown to the Commissioner. Because it is *not* deemed to be an *ex parte* communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, Florida Statutes. In cases such as this, the Commissioner has requested, however, that such correspondence be placed on the record in the correspondence side of the docket.

Note: This communication was received via U.S. mail & facsimile.

JCB:ks

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: October 19, 1998

TO: Blanca Bayo, Director, Division of Records and Reporting

FROM: Melinda Butler, Assistant to Commissioner Jacobs 7007

RE: Intercepted Communications From an Interested Party Received in

Docket No: 980767, Joint Application for Transfer of Facilities

This office has received the attached correspondence of J.W.French, Lee County Director of Public Works and President of Gulf Environmental Services. The correspondence has not been viewed or considered in any way by Commissioner Jacobs. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991 as COE 91-33-JULY 19, 1991), the following letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Commissioner. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, Florida Statutes. However; in such cases Commissioner Jacobs has requested that a copy of the correspondence and this memo, as a matter of routine, be placed in the correspondence side of the file in this docket.

RECEIVED (PSC

MEMORANDUM

00 DEC -7 PM 1:50

December 7, 1998

RECOADS AND REPORTING

TO:

DIVISION OF RECORDS AND REPORTING

FROM:

DIVISION OF LEGAL SERVICES (BRUBAKER ()

RE:

DOCKET NO. 980767-WS - JOINT APPLICATION FOR TRANSFER OF FACILITIES OF GULF UTILITY COMPANY TO GULF ENVIRONMENTAL SERVICES, INC. IN LEE COUNTY AND CANCELLATION OF

CERTIFICATES NOS. 072-W AND 064-S.

98-1642-FOF-WIS

Attached is an ORDER DECLINING TO INITIATE A SHOW CAUSE PROCEEDING, FINDING TRANSFER IS TO A GOVERNMENTAL AUTHORITY, AND ACKNOWLEDGING TRANSFER, to be issued in the above-referenced docket.

(Number of pages in order - 8)

JSB/lw

Attachment

cc: Division of Water and Wastewater (Brady)

I:\9807670R.JSB

1//