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TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

October 18, 2007

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COMMISSION
CLERK

Mr. Mike McDaniel, Chief
Office of Comprehensive Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: Docket No. 070109-WS; Application for amendment of Certificates 611-W and 527-S to extend water and wastewater service areas to include certain land in Charlotte County by Sun River Utilities, Inc. (f/k/a MSM Utilities, LLC)

Dear Mr. McDaniel:

This application pending before the Commission has been protested by Charlotte County. Your office provided a letter to this agency on May 4, 2007, stating that the proposed amendment was not consistent with Charlotte County's comprehensive plan. An effort has been made to mediate the dispute and reach a settlement, but mediation was not successful.

To resolve the protest, the matter has been set for hearing on January 16 and 17, 2008. To include the comments proffered by the Department of Community Affairs, the Commission will need a witness from your department to prepare testimony to be filed, and to appear as a Commission staff witness at the hearing. To meet the scheduled date for filing testimony of November 8th, the draft testimony from the DCA will be needed by November 2nd.

Enclosed is a copy of testimony provided by DCA witness Valerie James in another Commission proceeding, Farmton. Ms. James explained the position of the DCA in her testimony in that case in just over three pages. This format would suffice again in this docketed proceeding.

Please call if you have any questions at 413-6950.

Sincerely yours,

Thomas Walden,
Engineer Specialist

TW:kb
Enclosure
Cc: Office of Commissioner Clerk

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COMMISSION OF PSC

DOCKET NO. 021256-WU – Application for certificate to provide water service in Volusia and Brevard Counties by Farnton Water Resources, LLC

WITNESS: **Direct Testimony of Valerie James**, representing the Florida Department of Community Affairs, appearing on behalf of the Staff of the Florida Public Service Commission

DATE FILED: March 11, 2004

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

1 A. Yes. Portions of the proposed utility service area in Volusia County are designated
2 Forestry Resource, Agricultural Resource, and Environmental Systems Corridor land use
3 categories, while the remaining portions in Brevard County are designated Agriculture. The
4 utility services are proposed in an area that is completely rural; some of these areas contain
5 natural resources that are environmentally sensitive and are intended to be protected.
6 Therefore, extension of services into this area would encourage urbanization of rural,
7 agriculture, and environmentally sensitive areas and may result in urban sprawl development
8 patterns. Both Volusia and Brevard Counties have identified several goals, objectives, and
9 policies in their Future Land Use Element (FLUE) plans which the proposed utility service
10 application is inconsistent with, in addition to other objections. For example, FLUE Objective
11 1.1.3 requires Volusia County to limit urban sprawl by directing urban growth to those areas
12 where public facilities and services are available inside designated service areas. Brevard
13 County FLUE Objective 4 recognizes the importance of agricultural land to the community as
14 the industry benefits the economy, reduces the extent of the urban sprawl, and the costs of
15 providing public facilities and service, provides environmental benefits, and provides open
16 space and visual beauty. The application area is outside the County's designated service area.
17 Volusia County FLUE Policies 7.1.1.7 and 7.1.1.11, and Brevard County FLUE Policy 4.1
18 prohibit the extension of water lines, or establishment of central systems of potable water
19 outside of the water service areas. In addition, the Cities of New Smyrna Beach and Titusville
20 have also raised objections to the proposed utility service application. The City of New
21 Smyrna Beach has concerns over the potential impacts to existing and projected demands of
22 potable water wells. The City of Titusville believes that the utility's application conflicts with
23 the Comprehensive Plans for both Volusia and Brevard Counties in the areas of establishment
24 of central water systems outside the water service areas, and unapproved water wells and
25 treatment plant sites.

1 | Q. Does this complete your testimony?
2 | A. Yes, it does.
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