

Dorothy Menasco

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Sent: Monday, April 27, 2009 4:41 PM
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Subject: 090189-SU Electronic Filing
Attachments: 090189-SU OPC Response to Water Management Motion for Variance.docx.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Stephen C. Reilly, Associate Public Counsel
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c/o The Florida Legislature
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b. Docket No. 090189-SU

In re: Application for Original Certificate for a Proposed Wastewater System and Request for Bifurcation by Water Management Services, Inc.

c. Document being filed on behalf of Office of Public Counsel.

d. There are a total of 4 pages.

e. The document attached for electronic filing is OPC's Response to Water Management Services, Inc. Motion for Variance from Portions of Rule 25-30.033 (1) Florida Administrative Code, and Form PSC/ECR 099-W

Thank you for your attention and cooperation to this request.

Phyllis W. Philip-Guide
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4/27/2009

DOCUMENT NUMBER-DATE
03934 APR 27 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Original
Certificate for a Proposed Wastewater
System and Request for Bifurcation by
Water Management Services, Inc.

Docket No. 090189-SU

Filed: April 27, 2009

**CITIZENS' RESPONSE TO WATER MANAGEMENT SERVICES, INC.'S MOTION
FOR VARIANCE FROM PORTIONS OF RULE 25-30.033 (1) FLORIDA
ADMINISTRATIVE CODE, AND FORM PSC/ECR 009-W**

The Citizens of the State of Florida ("Citizens") by and through their undersigned attorney, with the Office of Public Counsel ("Public Counsel or "OPC") , file this response to Water Management Services, Inc.'s Motion for Variance from Portions of Rule 25-30.033 (1), Florida Administrative Code, and Form PSC/ECR 009-W and state:

1. With its application for an original certificate for a wastewater system, Water Management Services, Inc. ("Water Management," "Utility" or "Company") filed a Motion for the Commission to grant it a variance from providing information requested by Rule 25-30.033 (1), Florida Administrative Code, until after the Commission decides to grant the certificate.
2. In its motion, Water Management requests to be relieved of providing detailed information responsive to the following subsections of Rule 25-30.033 (1), Florida Administrative Code: (h),(j),(k),(m),(o),(s),(t),(u),(v), and (w), as well as information requested in Form PSC/ECR 009-W, Part IV,(l) – return on equity information, until after the Commission decides to grant a wastewater certificate of service to Water Management.
3. Water Management alleges that the information sought by those subsections of the rule and form are "unnecessary for the certification determination because they relate

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solely to rate-setting.” Further, Water Management desires to avoid the additional costs associated with providing more details of its proposal until after the Commission determines that it is in the public interest to grant a certificate to provide central wastewater service for a portion of St. George Island, and that Water Management is the proper entity to provide that service.

4. The Commission's determination of whether approval of the application is in the public interest goes well beyond merely determining if Water Management has the technical, financial and managerial ability to provide wastewater service. By approving or disapproving this application the Commission must also determine if the central sewer system proposed by Water Management is the proper solution to the wastewater problems on St. George Island and whether the proposal is financially and environmentally feasible on this relatively low density sensitive barrier island.

5. In order to make this public interest determination, the Commission must know what is proposed to be built, how is it proposed to be operated, what will the costs be to build and operate the system, and how will these costs be shared. This information is necessary before the Commission can determine that the proposal is financially and environmentally feasible to address the wastewater disposal issues on this fairly low density environmentally sensitive barrier island. Sufficiently detailed information concerning the above issues are also needed by the customers before they can determine whether Water Management's proposal is in their best interest and the long term best interest of the island community.

6. Sufficiently detailed information needs to be provided in response to (h),(j),(m), (o),(s),(t),(u),(v),(w),and Form PSC/ECR 009-W, Part IV (I), in order to determine if Water Management's proposal is financially and environmentally feasible for a proposed service area which is on a relatively low density sensitive barrier island.

WHEREFORE, for the reasons stated above, the Commission should not grant variances to the above subsection of Rule 25-30.033 (1), Florida Administrative Code,

and Form PSC/ERC 009-W, Part IV,(I), to the extent such variances would compromise the Commission's ability to fully understand and quantify what is proposed to be built, how is it proposed to be operated, what will be the costs to build and operate it, and how will those costs be shared.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen C. Reilly", is written over a horizontal line. The signature is stylized and cursive.

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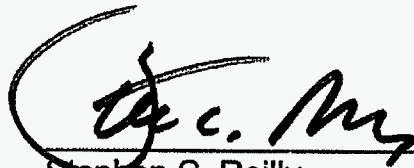
CERTIFICATE OF SERVICE
DOCKET NO. 090189-SU

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail and electronic mail to the following parties on this 27rd day of April, 2009.

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