

Dorothy Menasco

From: Trina Collins [TCollins@RSBattorneys.com]
Sent: Wednesday, July 22, 2009 4:55 PM
To: Filings@psc.state.fl.us
Cc: Curt Mouring; Ralph Jaeger; keweeks@uiwater.com; pcflynn@uiwater.com; dswain@milianswain.com; Frankden@nettally.com; Martin Friedman; Christian W. Marcelli; Trina Collins
Subject: Filing in Docket No. 080249-WS; Labrador Utilities, Inc.'s Application for an Increase in Water and Wastewater Rates in Pasco County, Florida
Importance: High
Attachments: PSC Clerk 019 (Cross Petition).ltr.pdf

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- b. Docket No.: 080249-WS; Labrador Utilities, Inc.'s Application for an Increase in Water Rates and Wastewater Rates in Pasco County, Florida - Filing Labrador Utilities, Inc.'s Cross-Petition.
- c. Labrador Utilities, Inc.
- d. 5 Pages.
- e. Letter to Commission Clerk - 1 page; Cross-Petition - 4 pages.

7/22/2009

DOCUMENT NUMBER-DATE
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REPLY TO CENTRAL FLORIDA OFFICE

July 22, 2009

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MARTIN S. FRIEDMAN, P.A.
CHRISTIAN W. MARCELLI
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E-FILING

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

RE: Docket No. 080249-WS; Labrador Utilities, Inc.'s Application for an Increase in Water and Wastewater Rates in Pasco County, Florida
Our File No.: 30057.157

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is Labrador Utilities, Inc.'s Cross-Petition.

Should you or the Staff have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,



CHRISTIAN W. MARCELLI
For the Firm

CWM/tlc
Enclosures

cc: Curtis Mouring, Division of Economic Regulation (w/enclosures) (via e-mail)
Ralph Jaeger, Esquire, Office of General Counsel (w/enclosures) (via e-mail)
Ms. Kirsten Weeks (w/enclosures) (via e-mail)
Patrick C. Flynn, Regional Director (w/enclosures) (via e-mail)
Ms. Deborah Swain (w/enclosures) (via e-mail)
Mr. Frank Seidman (w/enclosures) (via e-mail)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of
LABRADOR UTILITIES, INC.
for an increase in water and wastewater
rates in Pasco County, Florida

DOCKET NO. 080249-WS

CROSS-PETITION OF LABRADOR UTILITIES, INC.

LABRADOR UTILITIES, INC. (the "Utility"), by and through its undersigned attorneys and pursuant to Section 120.57, Florida Statutes, and Rule 25-22.029(3), Florida Administrative Code, files this Cross-Petition, objecting to Order No. PSC-09-0462-PAA-WS (the "Order") of the Florida Public Service Commission (the "Commission") issued June 22, 2009, and states:

Preliminary Matters

1. The name and address of the agency affected and the agency's docket number is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Docket No. 080249-WS

2. The name of the Utility and its mailing address is:

Labrador Utilities, Inc.
2335 Sanders Road
Northbrook, IL 60062

3. The address of the Florida office is:

Labrador Utilities, Inc.
200 Weathersfield Avenue
Altamonte Springs, FL 32714-4099

4. The names and address of the persons authorized to receive notices and communications in respect to this application are:

Martin S. Friedman, Esquire
Christian W. Marcelli, Esquire
Rose, Sundstrom & Bentley, LLP

DOCUMENT NUMBER-DATE

07471 JUL 22 8

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5. On July 13, 2009, the Citizens of the State of Florida, by and through the Office of Public Counsel ("OPC"), filed a Petition on Proposed Agency Action objecting to the Order (the "Petition").

6. The Utility received a copy of the Order on June 26, 2009, and a copy of the Petition on July 15, 2009.

7. *The interests of the Utility are substantially affected by the Order. The specific facts that the Utility contends warrant reversal or modification of the Order are as follows:*

(a) The Utility's O&M expenses are understated because the Commission erroneously removed the Utility's Consumer Price Index adjustments to O&M expenses.

(b) The Utility's O&M expenses are understated because the Commission erroneously understated the Utility's rental expense.

(c) Rate case expense is understated as a result of the removal and reduction of fees and costs.

8. *Each of the foregoing matters involves disputed issues of material fact.*

9. The Order establishes July 23, 2009 as the date by which cross-petitions must be filed.

10. Chapter 367.081, Florida Statutes, is the specific statute that the Utility contends requires reversal or modification of the Order.

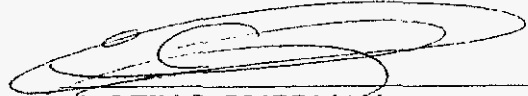
11. This Cross-Petition is filed for the purpose of seeking the Commission's action with respect to:

- (a) Determining that the proper O&M expense includes the Utility's adjustments using the Consumer Price Index and including the Utility's rental expense as stated in the Utility's Minimum Filing Requirement schedules; and
- (b) Determining that the proper rate case expense amount includes amounts requested by the Utility and set out in its rate case expense schedule submitted to Staff on April 2, 2009, plus the rate case expense associated with the formal administrative hearing.

WHEREFORE, the Utility hereby protests and objects to Order No. PSC-09-0462-PAA-WS as to the specific issues raised in this Cross-Petition, and petitions the Commission to *conduct a formal evidentiary hearing*, under the provisions of Section 120.57(1), Florida Statutes, and further petitions that such hearing be scheduled at a convenient time within or as close as practical to the Utility's certificated service area.

Respectfully submitted this 22nd day of July, 2009, by:

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Facsimile: (407) 830-8522



MARTIN S. FRIEDMAN
CHRISTIAN W. MARCELLI
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Cross-Petition of Labrador Utilities, Inc. has been served upon the following parties by U.S. Mail this 22nd day of July, 2009.

Stephen C. Reilly, Deputy Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Jennifer Brubaker, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



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