

**Eric Fryson**

**From:** Lisa D'Angelo [Lisa.D'Angelo@arlaw.com]  
**Sent:** Wednesday, January 11, 2012 10:19 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** pcflynn@uiwater.com; reilly.steve@leg.state.fl.us; David Bernstein; Andrew McBride; Kenneth Curtin  
**Subject:** LABRADOR UTILITIES, INC. RATE ACTION (Docket. No. 11-0264-WS): EMERGENCY MOTION FOR INTERVENTION BY FOREST LAKE ESTATES CO-OP, INC.  
**Attachments:** 0242\_001.pdf

Electronic Filing

a. Person Responsible for this electronic filing:

David S. Bernstein, Esq.  
 Adams and Reese LLP  
 150 Second Avenue North, Suite 1700  
 St. Petersburg, Florida 33701  
 Direct: (727) 502-8215  
 E-Fax: (727) 502-8915  
[David.Bernstein@arlaw.com](mailto:David.Bernstein@arlaw.com)

b. Docket No. 11-02640-WS

In Re: Application for increase in water and wastewater rates in Pasco County by Labrador Utilities, Inc.

c. Document being filed on behalf of FOREST LAKE ESTATES CO-OP, INC.

d. There are a total 4 pages

e. The document attached for electronic filing is Intervener, FOREST LAKE ESTATES CO-OP, INC's, EMERGENCY MOTION FOR INTERVENTION BY FOREST LAKE ESTATES CO-OP, INC.

Thank you for your cooperation and attention to this matter.

Lisa M. D'Angelo, Secretary to  
 David S. Bernstein, Esq., Andrew J. McBride, Esq.  
 and Susan G. Sherman, CP  
 Adams and Reese LLP  
 150 Second Avenue North, 17<sup>th</sup> Floor  
 St. Petersburg, FL 33701  
 Direct: (727) 502-8215  
 Fax: (727) 502-8915  
 Main: (727) 502-8200  
 E-Fax: (727) 502-8915  
 Email: [Lisa.D'Angelo@arlaw.com](mailto:Lisa.D'Angelo@arlaw.com)

*Parties updated  
 1/11/12  
 cm*

ADAMS AND REESE LLP

Baton Rouge | Birmingham | Houston | Jackson | Memphis | Mobile | Nashville | New Orleans | Sarasota | St. Petersburg | Tampa | Washington, D.C.

1/11/2012

DOCUMENT NUMBER-DATE

00197 JAN 11 2012

FPSC-COMMISSION CLERK

The contents of this e-mail and its attachments are intended solely for the addressee(s). In addition, this e-mail transmission may be confidential and it may be subject to privilege protecting communications between attorneys and their clients. If you are not the named addressee, or if this message has been addressed to you in error, you are directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply e-mail. Treasury Circular 230 requires that we inform you that any statements regarding tax matters made herein, including attachments, cannot be relied upon for the purpose of avoiding tax penalties, and such statements are not intended to be used or referred to in any marketing or promotional materials. Additionally, Adams and Reese LLP does not and will not impose any limitation on the disclosure of the tax treatment or tax structure of any transactions to which such statements relate.

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for increase in water  
and wastewater rates in Pasco County  
by Labrador Utilities, Inc.

Docket No. 11-0264-WS  
Filed: January 11, 2012

110264-WS

---

**EMERGENCY MOTION FOR INTERVENTION BY  
FOREST LAKE ESTATES CO-OP, INC.**

Intervener, Forest Lake Estates Co-Op, Inc.<sup>1</sup> ("Forest Lake"), by and through its undersigned counsel, and pursuant to Rules 25-22.039 and 28-106.201(2)<sup>2</sup>, F.A.C., files this its Emergency Motion for Intervention and in support states:

1. On or about August 31, 2011, Labrador Utilities, Inc. ("Labrador") informed the Florida Public Service Commission of its intention to submit an application of general rate relief for its water and wastewater system in Pasco County, Florida ("Rate Case").

2. The water and wastewater system operated by Labrador serves only the Forest Lake Estates Mobile Home Park and the Forest Lake Estates R.V. Park (collectively, the "Property") which are owned and operated by Forest Lake. The Property consists of approximately 894 mobile home and R.V. lots along with various common area elements and facilities. Labrador supplies the water and wastewater to all of the mobile home lots and the common area elements and facilities.

---

<sup>1</sup> Forest Lake's business address is 6429 Forest Lake Drive, Zephyrhills, Florida 33540. Forest Lake's phone number is 813-783-7979. For purposes of this proceeding, the representative of Forest Lake shall be the undersigned attorneys.

<sup>2</sup> Forest Lake has attempted to address the requirements of Rule 28.106.201(2), F.A.C., within the body of this Emergency Motion. However, Forest Lake cannot fully address subsections (2)(c), (2)(e), (2)(f), and (2)(g) because this Rate Case does not concern a prior agency decision. Instead, Forest Lake has attempted to address these subsections within the context of Forest Lake's intervention in this Rate Case. As to subsection (2)(a), Forest Lake would state that the agency affected by this Rate Case is the Florida Public Service Commission, Docket No. 11-0264-WS, which is located at 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

3. As the owner of the Property, Forest Lakes will be significantly affected by and has a substantial interest in this Rate Case. *See* Order No. PSC-10-0508-PCO-EG; Order No. PSC-10-0524-PCO-EG. The customers of Labrador residing at the Property are also tenants of Forest Lake. Accordingly, an increase in the cost of those customers' water and wastewater services directly, immediately, and adversely affects Forest Lake's ability to provide affordable housing to its residents. Moreover, Forest Lake is also affected by this Rate Case as it is a customer of Labrador as to the common area elements and facilities.

4. Consequently, Forest Lakes is entitled to intervene in the Rate Case on behalf of both itself as a customer of Labrador and on behalf of the residents of the Property to contest any and all rate increases requested by Labrador in relation to the Property. *See* Order No. PSC-11-0162-PCO-WS (granting intervention in favor of mobile home park owner to contest rate increase application on behalf of community).

5. With respect to this Rate Case, Forest Lake states that the following material facts are in dispute and support a denial of any rate increase in favor of Labrador:

- a. That, in relation to the Property, the quality of the service provided by Labrador, including, but not limited to, the quality of Labrador's water and wastewater services, the operational conditions of Labrador's plant and facilities, and Labrador's attempts to address customer satisfaction are unsatisfactory, not to industry norms and standards, and, as a result, Labrador is not entitled to a rate increase in accordance with, *inter alia*, Section 367.081(2)(a)(1), *Florida Statutes*, and Rule 25-30.433(1), *F.A.C.*;

*See also North Fla. Water Co. v. Bevis*, 302 So.2d 129 (Fla. 1974)(wherein the Florida Supreme Court stated that the public should not be compelled to pay increased rates because of an inefficient system);

- b. That Labrador is not entitled to a rate increase based upon the financial data provided by Labrador in accordance with, *inter alia*, Sections 367.081(2)(a)(2) and 367.081(4)(f), *Florida Statutes*, and Rules 25-30.433(4) and 25-30.433(11), F.A.C.; and
- c. That Labrador is not entitled to an interim rate increase based upon the financial data provided by Labrador in accordance with, *inter alia*, Section 367.082(5), *Florida Statutes*, and Rule 25-30.437(5), F.A.C.

6. As to the relief sought in this Rate Case, Forest Lake is seeking a denial of any and all rate increase in favor of Labrador.

7. Forest Lakes files this as an Emergency Motion for Intervention due to the fact that a customer service hearing has been scheduled at the Property on January 18, 2012 and Forest Lakes desires to be party of record prior to the hearing so that it may participate fully at the hearing.

8. Forest Lakes will take the Rate Case as it finds it.

WHEREFORE, Intervener, Forest Lake Estates Co-Op, Inc., pursuant to Rules 25-22.039 and 28-106.201(2), F.A.C., moves this Commission to enter an Order granting its Emergency Motion for Intervention prior to the Customer Service Hearing scheduled for January 18, 2012, and for all other relief this Commission deems just and proper.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via email (where provided below) and U.S. Mail on January 11, 2012 to: **Labrador Utilities, Inc., c/o Patrick C. Flynn, 200 Weathersfield Ave, Altamonte Springs, Florida 32714-4027** ([pcflyn@uiwater.com](mailto:pcflyn@uiwater.com)); Christian W. Marcelli, Esq., Rose Law Firm, 766 N. Sun Drive, Suite 4030, Lake Mary, Florida 32746; and Stephen C. Reilly, Esq., Office of Public Counsel, c/o the Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32393-1400 ([reilly.steve@leg.state.fl.us](mailto:reilly.steve@leg.state.fl.us)).

*s/ David S. Bernstein, Esq.*

DAVID S. BERNSTEIN

Florida Bar No. 454400

KENNETH M. CURTIN

Florida Bar No. 087319

ANDREW J. MCBRIDE

Florida Bar No. 67973

Adams and Reese LLP

150 2nd Avenue North, Suite 1700

St. Petersburg, Florida 33701

(727) 502-8200 Fax: (727) 502-8915

Attorneys for Forest Lake