

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted)
rate case in Highlands County by)
the Woodlands of Lake Placid, L.P.)
_____)

DOCKET NO. 020010-WS
FILED: April 3, 2003

**RESPONSE TO WITHDRAWAL
OF ISSUES**

The Citizens of the State of Florida, through their attorney, the Public Counsel, pursuant to Rule 28-106.204, Florida Administrative Code, hereby file this response to the “Withdrawal of Issues” filed by the Petitioners in this docket. The Citizens submit:

1. On December 30, 2003, the Petitioners protested Order No. PSC-02-1739-PAA-WS, and raised six issues, one of which is the following:

C. The imputation of CIAC.

2. On January 8, 2003, the Petitioners filed a “Motion to Amend Petition for Formal Administrative Hearing,” requesting the addition of an issue to its original petition. On January 30, 2003, the Commission approved the Petitioners’ request to add the issue. In agreeing to entertain the utility’s additional issue, the Commission noted that no party would be unduly prejudiced by the addition.

3. On January 15, 2003, the PSC Staff distributed a preliminary list of issues which included:

Issue 2: What are the appropriate CIAC
balances for the test year ended December 31, 2001?

4. On February 28, 2003, OPC filed the testimony of Hugh Larkin, Jr., which addressed, among other issues, the imputation of CIAC. Mr. Larkin’s testimony demonstrated that if L.P. Utilities is entitled to pro forma rate base adjustment to reflect the future addition of specific meter installations, then the corresponding CIAC should also be reflected. If the pro forma plant is allowed to remain

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without the corresponding CIAC, the customers will be forced to subsidize the meters that are installed for the utility owner's benefit.

5. On March 25, 2003, the Petitioners filed to withdraw two issues, including the imputation of CIAC.

6. The Citizens contend that the Commission should entertain this issue of imputing CIAC. The issue was put into controversy by the utility and addressed by the OPC. Only after the utility saw the validity of OPC's position did it seek to withdraw the issue.

7. Since the utility raised the imputation of CIAC and the OPC has addressed it, no party will be prejudiced if the Commission continues to entertain the issue of CIAC imputation.

8. If the Commission determines that the Petitioners have the unilateral right to withdraw a stated issue, the OPC hereby asks the Commission to treat this pleading as a request for the Commission – either at OPC's behest or on its own volition – to add the issue of the CIAC imputation.

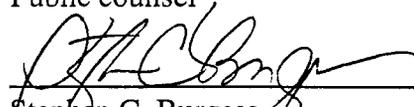
WHEREFORE, the Citizens of the State of Florida respectfully request this Commission to either:

1. deny the Petitioners' motion to withdraw the issue in question; or
2. affirmatively add the CIAC imputation issue at the behest of the Citizens or at its own volition.

Respectfully submitted,

JACK SHREVE

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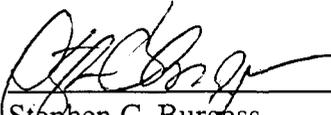
Attorneys for the Citizens of the
State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 020010-WS**

I HEREBY CERTIFY that a true and exact copy of the above and foregoing Response to Withdrawal of Issues has been furnished by hand delivery or U.S. Mail to the following parties of record this 3rd day of April, 2003.

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