

KEN PRUITT  
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MARCO RUBIO  
*Speaker of the House of Representatives*



April 7, 2008

Ann Cole  
Clerk of the Commission  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Response to Senator Fasano's letter

Dear Ms. Cole:

The following letter is offered in response to your April 7, 2008 letter.

The Office of Public Counsel agrees with Senator Fasano that the proposed language of subsection (6)(b) of proposed rule 25-30.4325, F.A.C., should be amended. The firm reliable capacity defined in this subsection should be based upon 24 hours of pumping for systems with storage capacity.

A used and useful percentage based upon a fraction, with the numerator being the single maximum day demand of the year and the denominator being the capacity of the remaining wells (excluding the capacity of the largest well), for only 12 hours of the single maximum day, produces a mismatched used and useful fraction which is unfair to customers. Maximum day demand should be compared to maximum day capacity of the remaining wells (after excluding the capacity of the largest well), to produce a fair and properly matched used and useful fraction.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen C. Reilly".

Stephen C. Reilly  
Associate Public Counsel

SCR/ppg

cc: Rosanne Gervasi  
Martin S. Friedman  
Ken A. Hoffman