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ST

LAW OFFICES
ST. JOHN & KING
SUITE 600
500 AUSTRALIAN AVENUE SOUTH
WEST PALM BEACH, FLORIDA 33401

**ORIGINAL
FILE COPY**

TELEPHONE (407) 655-8994
TELECOPIER (407) 659-0850

DAVID ST JOHN, P.A.
WM REEVES KING
EDWARD DICKER
MICHAEL J GELFAND
LOUIS CAPLAN
GEORGE SCHWIND

OF COUNSEL
LEON ST JOHN, P.A.
EDWARD L GREENBLATT *
* MEMBER GA AND DC BARS ONLY

March 15, 1991

Steven Tribble,
Director of Division of
Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399

**RE: Application for Sailfish Point Utility Corp. for a rate
increase in Martin County; Document No: 900816-WS;
Submitted for Filing: March 15, 1991**

Dear Mr. Tribble:

Enclosed please find original and twelve (12) copies of a
Petition for Leave to Intervene by Sailfish Property Owners
Representatives and Charles R. Buckridge.

Please include the undersigned on any mailings regarding this
matter.

- ACK
- AFA 1
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG WRK/lsh
Enclosures
- LEG W/J
cc: Association
Robert J. Pierson, Esquire
Jack Shreve, Esquire
- LIN 6
Ben E. Girtman, Esquire
31170103.15
- OFC 1
- RCH _____
- SEC 1
- WAS 1
- OTH Orig to Don

Sincerely yours,
Wm Reeves King
WM. REEVES KING
For the Firm

MAIL ROOM
MAR 18 1991
RECEIVED
FLORIDA PUBLIC SERVICE COMMISSION

DOCUMENT NUMBER-DATE
02632 MAR 18 1991
PSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of SAILFISH) Docket No.: 900816-WS
POINT UTILITY CORPORATION for) Submitted
a rate increase in Martin County) for Filing: March 15, 1991

PETITION FOR LEAVE TO INTERVENE
BY SAILFISH POINT PROPERTY OWNERS REPRESENTATIVES
AND CHARLES R. BUCKRIDGE

Pursuant to Rule 25-22.039 Sailfish Point Property Owners Representatives (SPOR), an unincorporated association of 12 property owners at Sailfish Point, who are elected by the non-developer unit owners at Sailfish Point and who function as an advisory committee to the Sailfish Point Property Owners and Country Club Association, Inc. (POA) and Charles R. Buckridge, the Chairman of SPOR, (Petitioners) through their undersigned counsel hereby request permission to intervene as a party in the subject pending rate case and in support of this petition state:

1) Sailfish Point Utility Corporation (SPUC) is a wholly owned subsidiary of Sailfish Point, Inc. (SPI), the Developer of Sailfish Point, a planned unit development located in Martin County, Florida. The parent of SPI is Mobil Land Development Corporation. The POA will ultimately take title to and operate all common areas within Sailfish Point, but currently is controlled by Developer appointed directors and not by directors elected by the unit owners.

DOCUMENT NUMBER-DATE

02632 MAR 18 1991

FPSC-RECORDS/REPORTING

2) Petitioners are representatives of the property owners in Sailfish Point, all of whom are customers of SPUC which provides the sole available source of potable water and sewage treatment to the properties located at Sailfish Point.

3) Petitioners and other property owners within Sailfish Point are the sole rate payers to SPUC. They therefore have substantial interests which will be affected by this proceeding and desire to be a party to the same.

4) Although Public Counsel has intervened on behalf of the Citizens of the State of Florida (Citizens), there are substantial issues which Petitioners desire to present in this proceeding which are peculiarly within the knowledge of Petitioners. Those involve and are created by the substantial inconsistencies in representations of SPUC in its application in this proceeding and the provisions of the planned unit development agreements existing between the SPI and Martin County; the Declaration of Protective Covenants and Restrictions for Sailfish Point and prospectuses and representations to the purchasers of lots and units within Sailfish Point regarding the ownership of and responsibility for maintenance of the water supply lines and the waste water collection lines installed and lying within the Common Areas at the Sailfish Point development to which title must be conveyed to the POA. The issues of ownership and maintenance of those portions of the utility facilities directly relate to the capital investment properly to be included in the rate base and to contributions in aid of construction.

Some of the governing documents give the Developer an option to convey the utility facilities to the POA and, if such option is elected by the Developer, require the POA to accept said conveyance; to be responsible for the continued operation of the utility facilities; and to comply with all existing permits. Petitioners contend when considered together and when all the ambiguities in the various documents are resolved, the Developer is obligated to convey the utility parcel and the water and waste water treatment facilities constructed thereon to the POA to be operated by the POA solely for the benefit of the residents of Sailfish Point who comprise the membership of the POA. Intervenors believe those circumstances raise issues as to whether this facility should be exempt from regulation by this Commission under §367.022(7) Fla. Stats.

The facts relevant to these issues are peculiarly within the knowledge of Petitioners and their counsel. Review of literally thousands of pages of agreements, declarations, amendments and supplements thereto by Public Counsel would be required before it could adequately digest and present the relevant information contained therein.

WHEREFORE, Petitioners respectfully request that this Petition be granted and that Sailfish Point Property Owners Representatives and Charles R. Buckridge, Chairman, be made parties to this proceeding.

All communications concerning said parties and this Petition should be addressed to said parties in care of their undersigned counsel who should be included in the Commission's official service list.

Respectfully submitted this 15th day of March, 1991.

ST. JOHN & KING
Attorneys for Petitioners
500 Australian Avenue So.
Suite 600, Clearlake Plaza
West Palm Beach, FL 33401
(407) 655-8994


Wm. Reeves King
Fla. Bar # 747319

CERTIFICATE OF SERVICE
DOCKET NO. 891114-WS

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U. S. Mail*, hand delivery** or by facsimile*** to the following parties on this 15th day of March, 1991.

Ben E. Girtman, Esquire
1020 E. Lafayette Street
Suite 207
Tallahassee, FL 32301
Fax # 904-656-6494

Robert J. Pierson, Esquire
Division of Legal Services
Florida Public Service Commission
101 E. Gaines Street
Tallahassee, FL 32399-0872

Jack Shreve, Esquire
Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
Fax # 904-488-4491

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