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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a rate : Docket No. 900816-WS
Increase in Martin County by :
SAILFISH POINT UTILITY : PREHEARING CONFERENCE
CORPORATION :

RECEIVED
Division of Records & Reporting FPSC Hearing Room 122
Fletcher Building
JUN 10 1991 101 East Gaines Street
Tallahassee, Florida 32399-0871
Florida Public Service Commission Thursday, June 6, 1991

Met pursuant to notice at 8:30 a.m.

BEFORE: COMMISSIONER BETTY EASLEY
Prehearing Officer

APPEARANCES:

BEN E. GIRTMAN, 1020 East Lafayette Street,
Suite 210, Tallahassee, Florida 32301, Telephone No.
(904) 656-3232, appearing on behalf of Sailfish Point
Utility Corporation.

WM. REEVES KING, of St. John and King, 500
Australian Avenue South, Suite 600, Clearlake Plaza,
West Palm Beach, Florida 33401, Telephone No. (407)
655-8994, appearing on behalf of Sailfish Point Owners
Representatives and Charles R. Buckridge.

DOCUMENT NO.
05763-91
6/10/91

EXHIBIT
A

1 APPEARANCES CONTINUED:

2 STEPHEN REILLY, Office of Public Counsel,
3 Auditor General Building, Room 810, 111 West Madison
4 Street, Tallahassee, Florida 32399-1400, Telephone No.
5 (904) 488-9330, appearing on behalf of the Citizens of
6 the State of Florida.

7 CATHERINE BEDELL, Florida Public Service
8 Commission, 101 East Gaines Street, Tallahassee,
9 Florida 32399-0863, Telephone No. (904) 487-2740,
10 appearing on behalf of the Commission Staff.

11 CINDY MILLER, Florida Public Service
12 Commission, 101 East Gaines Street, Tallahassee,
13 Florida 32399-0863, Telephone No. (904) 488-7464,
14 appearing as Counsel to the Commission.

15

16

17 ALSO PRESENT:

18 MIKE LIVELY, FPSC Division of Water and
19 Sewer.

20

21

22

23 REPORTED BY: SYDNEY C. SILVA, CSR, RPR
24 Official Commission Reporter

24

25

1 of sale for desks and chairs and curtains and things
2 like that, which we haven't bothered to submit again.

3 COMMISSIONER EASLEY: I'm going to take the
4 Motion in Limine to Strike and the Utility's Motion to
5 Compel the Response to the Utility's First Request for
6 Production, I'm going to take them and I'm going to put
7 them together. They really belong together.

8 Now what I'm going to do is deny in part and
9 grant in part both motions. I will not accept the full
10 thousand-paged document by Mr. Rasmusen. It would be
11 impossible to determine what documentation in there is
12 going to assist the Commission in making the
13 determination as to what issues affect rate base.

14 I will ask that the Intervenors identify
15 within Mr. Rasmusen's document each page or paragraph
16 of the subject exhibits on which you intend to rely on
17 the specific, relevant issues. And if you'll recall at
18 the beginning, we talked about when granted the right
19 to intervene, it was going to be on relevant issues.
20 And to identify the applicable issue or issues to be
21 addressed by those exhibits.

22 So I want some specificity as to what within
23 Mr. Rasmusen's thousand-paged document you are going to
24 rely on, and I want to make sure that those are issues
25 that are relevant to this rate proceeding.

1 COMMISSIONER EASLEY: There will not be a
2 written order that will show up ahead of time. Am I
3 correct, Noreen?

4 MS. BEDELL: It will be in the Prehearing
5 Order.

6 COMMISSIONER EASLEY: It will be in the
7 Prehearing Order, but that won't get to you by that
8 time. If you have any questions about it, I suggest
9 get with Staff attorney; she can ask me if --

10 MR. REILLY: Essentially, he's supposed to go
11 through those thousand pages and excise the most
12 important and relevant portions to bring to the
13 attention of this Commission.

14 COMMISSIONER EASLEY: On the points on which
15 Mr. Rasmusen is going to rely for those relevant
16 issues.

17 MR. GIRTMAN: Commissioner, we would also
18 request -- we have a pending motion, a contingent
19 motion to file rebuttal testimony and --

20 COMMISSIONER EASLEY: I was going to get
21 there.

22 MR. GIRTMAN: I was going to suggest the
23 possibility since this material would be filed with the
24 Commission on Friday the 14th, if we could also request
25 that it be in hand in my office on the 14th so that I

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

TELEPHONE 14071 655 6894
TELECOPIER 14071 659 6880

DAVID ST JOHN P A
WM REEVES KING
LEON ST JOHN P A
EDWARD DICKER
LOUIS CAPLAN
GEORGE SCHWIND
STEVE PRESS

June 13, 1991

Sent Via Airborne Express

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**

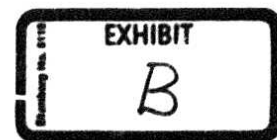
Dear Mr. Tribble:

Enclosed please find original and twelve (12) copies of a
Addendum to Pre-Filed Testimony of Roger W. Rasmussen Pursuant to
the Commission's Order at the Pre-Hearing Conference of June 6,
1991.

Sincerely yours,


WM. REEVES KING
For the Firm

WRK/lsh
Enclosures
cc: Association
Catherine Bedell, Esquire
Ben Girtman, Esquire
Steve Reilly, Esquire
11170106.13



BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 900816-WS
APPLICATION OF SAILFISH POINT UTILITY CORPORATION
FOR INCREASED RATES
IN MARTIN COUNTY
EXHIBIT RWR-6
Addendum to the Pre-Filed Testimony
of Roger W. Rasmussen
Listing of Specific Provisions of the Exhibits
to Testimony of Roger W. Rasmussen
Pursuant to the Commission's Order
At the Pre-Hearing Conference of June 6, 1991

RWR-1, Tab-1
July 1, 1989 Information Statement

- o Page 1, Section I (continues on Page 2)
- o Page 2, Section II & III (continues on Page 3)
- o Page 5, Section V (continues on Page 6)
- o Page 7, Section VII (continues on Page 8)
- o Page 8, Section VIII(a) (continues on Page 9)
- o Page 10, subpara. (f) (continues on Page 9) // ?
- o Page 9, subpara. (g), Section IX(a)
- o Page 15, Section XII (continues on Page 16)
- o Page 16, Section XIII(a)
- o Page 17, Section XIV subpara. (b)
- o Page 21, Section XX, subpara. (c)

RWR-1, Tab-2
Public Offering Statements for Plats #1, 1B, 4, 8, 10 & 11,
Phases I and II of Sailfish Point

- o Page 5, Para. 3
- o Page 6, Para. 11 & 12
- o Page 8, Section I (first four paragraphs)
- o Page 15, Section IV (continues on pages 16 & 17)
- o Page 23, subpara. D.
- o Page 27, Section VIII, subpara. A (continues on pages 28, 29 and 30)
- o Page 31, subpara. C. WATER SUPPLY (continues on page 32)
- o Page 33, subpara. E. SEWAGE DISPOSAL FACILITIES
- o Page 39, subpara. A. CLOSING COSTS (third paragraph)

RWR-1, Tab-3
Information Statement dated March 25, 1980

- o Page 1, Section I (continues on page 2)
- o Page 2, Section II, subpara. (a)
- o Page 3, subpara. (c)
- o Page 4, subpara. (f)
- o Page 5, subpara. (b)
- o Page 7, Section IV (continues on pages 8 & 9)
- o Page 10, Section VI, subpara (a) and the first full paragraph of subpara. (b)
- o Page 11, Section VII, subpara. (a) (continues on page 12)
- o Page 13, subpara. (f) (through first full paragraph on page 14)
- o Page 14, subpara. (g) (first full paragraph)
- o Page 16, subpara. (d)
- o Page 19, Section XII (continues on Page 20)
- o Page 21, Section XIV, subparas. (a), (b), (continues on page 22)
- o Page 30, Section XXI, subpara. (d) (continues on page 31)
- o Page 31, subpara. (g)

RWR-2 Volume 1, Tab 1

Subdividers Completion Agreement

- o Page 1, first four paragraphs.
- o Page 2, second full paragraph beginning "The conditions"; last paragraph at bottom of page and continuing through top of page 3;
- o Page 5, paragraphs (D) through (H).

RWR-2 Volume 1, Tab 2

Planned Unit Development Zoning Agreement

- o Page 1, Page 2 and continuing on Page 3 to paragraph numbered "2".
- o Page 4, Section III, Para. 2
- o Page 7, Section VII
- o Page 8, Section XVIII (that portion on Page 8) 7
- o Page 27, Exhibit "J"

RWR-2 Volume 1, Tab 3

First Amendment to Planned Unit Development Zoning Agreement

- o Page 1, including portion of para. 1 on top of page 2
- o Page 2, para. (c)
- o Page 3, Paras. 2, 3 & 5, including portion of para. 5 on pg. 4
- o Page 4, Para. 8.

Composite Exhibit D to First Amendment

- o Pages 1 - 5
- o Pages 1900-1904

Exhibit E to the First Amendment

- o Pages 1905-1945 (This is the unsigned Declaration of Protective Covenants and Restrictions which is the same as RWR-3, Tab 1 without signatures. It is included to demonstrate that all its provisions were incorporated into and approved as a part of the PUD Agreement.)

Exhibit B to the First Amendment

- o Pages 1946-1963 (This is the unsigned Articles of Incorporation which are identical to RWR-3, Tab 2, except for signatures. It is included to demonstrate that these Articles were a part of the approval process and incorporated into the PUD Agreement.)

RWR-2 Volume 1, Tab 3

First Amendment to Planned Unit Development Zoning Agreement
(Continued)

Exhibit C to the First Amendment

- o Pages 1964-1988 (These are the unsigned Bylaws which are identical to RWR-3, Tab 3, except for signatures. They are included here to demonstrate that they were part of the approval process and incorporated into the PUD Zoning Agreement.)

Supplementary Declaration of Protective Covenants and Restrictions for Plat #1 Sailfish Point

- o Page 1
- o Article VIII, Section 1, Page 14 (Reference to the entire document is necessary to demonstrate that the utility parcel was treated just as the other improvements were treated.)

Unity of Title Agreement
Exhibit I, Pages 2055 and 2056

RWR-2, Volume 2, Tab-4
Second Amendment to the PUD Zoning Agreement

- o Page 1, Page 2, excluding subpara. 2A, 2B, 2D, and 2E
- o Page 5, subpara. F
- o Page 7, para. 9
- o Pages 1 & 2, Exhibit A

Supplementary Declaration of Protective Covenants and Restrictions of Plat #1A

- o Pages ~~1 & 2~~⁹, Article VIII, Section 1
- o Page 9.

Exhibit "P"

- o Pages 2335 - 2364 (This is the unsigned 1st Amendment to the Declaration of Protective Covenants and Restrictions which is identical to RWR-3, Tab-4, which the exception of signatures. Reference is made to demonstrate that it was a requirement of the approval process and is incorporated into the PUD Zoning Agreement.)

RWR-2, Volume 2, Tab-5
Third Amendment to the PUD Zoning Agreement

- o Pages 1, 2 & 3, including Exhibit A, pages 1 & 2.
- RWR-2, Volume 2, Tab-6

Fourth Amendment to the PUD Zoning Agreement

- o Page 1
- o Page 2 - para. numbered 2
- o Exhibit C, Article VI, Section 2(a), Page 14 of 26
- o Article XII, Section 3, pages 23 & 24 of 26

RWR-2, Volume 2, Tab-8

Sixth Amendment to the PUD Zoning Agreement

- o Page 2, Paras. 1, 2, 3, 4, & 5,
- o Page 3, Para. 15

Exhibit C; Supplementary Declaration for Plat #4,

- o Page 1 & 2 through Article I

Exhibit E; Supplementary Declaration for Plat 5

- o Pages 1 & 2 through Article I

Exhibit G; Supplementary Declaration for Plat 6

- o Pages 1 & 2 through Article I
- o Page 2302, Article VI, Section 6

RWR-2, Volume 3, Tab-9

Seventh Amendment to the PUD Zoning Agreement

- o Pages 1 & 2 through Para. 4

Exhibit B; Supplementary Declaration for Plat 7

- o Pages 1 & 2 through Article I

RWR-2, Volume 3, Tab-12

Tenth Amendment to the PUD Zoning Agreement

- o Pages 1, 2 & 3

Exhibit B; Supplementary Declaration for Plat 8

- o Pages 4 & 5 through Article I

Exhibit D; Supplementary Declaration for Plat 9

- o Pages 4 & 5 through Article I

RWR-2, Volume 3, Tab-13

Eleventh Amendment to the PUD Zoning Agreement

- o Pages 1, 2 & 3

Exhibit C; Supplementary Declaration for Plat 10.

- o Pages 4 & 5 through Article I

Exhibit E Supplementary Declaration for Plat #11

- o Pages 4 & 5 through Article I

RWR-2, Volume 3, Tab-14

Twelfth Amendment to the PUD Zoning Agreement

- o Pages 1 & 2

Exhibit B; Supplementary Declaration for Plat 12

- o Pages 4 & 5 through Article I

RWR-2, Volume 3, Tab-16

Fourteenth Amendment to the PUD Zoning Agreement

- o Pages 1, 2, & 3

RWR-2, Volume 3, Tab-17

Fifteenth Amendment to the PUD Zoning Agreement

- o Pages 1, 2 & 3

RWR-3, Tab-1

Declaration of Protective Covenants and Restrictions for Sailfish Point

- o Page 1, including Article I, Sections 1, 2
- o Page 2, Sections 5, 6, 10, 11 and 13
- o Page 3, entire page excluding Section 17
- o Page 4
- o Page 5, Sections 1 & 5
- o Page 7, Article IV, Section 1, Section 2 (continues to page 8)
- o Page 8, Section 3
- o Page 9, Article VI, Section 1 (continues on to Page 10)
- o Page 10, Section 3 to subpara. (a)
- o Page 13, Section 9 (continues on Page 14)
- o Page 15, Article VII, Section 1 (continues on Page 16).
- o Page 16, Section 2 and Section 3
- o Page 17, Sections 4, 5, 6, 7 & 8
- o Page 18, Article VII., Section 1 (continues on Page 19).
- o Page 19, Sections 3, 4, & 5

RWR-3, Tab-1

Declaration of Protective Covenants and Restrictions for Sailfish Point (Continued)

- o Page 20, Article IX, Section 1
- o Page 21, Section 6 and 8
- o Page 27, Section 2
- o Page 31, Article XIV (continues on Page 32)
- o Page 33, Article XVI, Section 1

RWR-3, Tab 2

Articles of Incorporation

- o Page 1, Article II, Section 1 (continues on pages 2 & 3)
- o Page 3, Section 2, Article III, Sections 1 & 2 (continues on pages 4, 5 & 6)

RWR-3, Tab 3

Bylaws

- o Page 4, Section 5 (c) (2) and (3)
- o Page 5, para. 6(h) and (i)

RWR-3, Tab 4

First Amendment to Declaration of Protective Covenants and Restrictions

- o Page 2, Article I, Section 29
- o Page 3, Article IV, Section 1
- o Page 5, Article VI, Section 5
- o Page 7, Article VI, Section 9

First Amendment to the Supplementary Declaration for Plat 1

- o Page 2, Article VIII

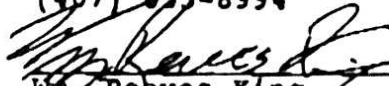
RWR-5

Declaration of Condominium of 2001 Sailfish Point Blvd.

- o Page 3, Para. 3.9
- o Page 5, Para. 3.25
- o Page 7, Para. 3.38
- o Page 8, Para. 3.46
- o Page 9, Paras. 3.51 & 3.52 & Para. 4
- o Page 11, Para. 4.6.1
- o Page 12, Para. 5.3
- o Page 20, Para. 12.2
- o Page 39, Para. 23.1.1

Respectfully submitted this 13/6 day of June, 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. 900816-WS

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by hand, to the following parties on this 13/6 day of June, 1991.

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

Catherine Bedell, Esquire
Division of Legal Services
Florida Public Service Commission
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