

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution 96-62 by Board of Flagler)
County Commissioners rescinding Florida)
Public Service Commission jurisdiction over)
private water and wastewater utilities in)
Flagler County, Florida)

Docket No. 960898-WS

Filed: September 4, 1996

PALM COAST UTILITY CORPORATION'S (PCUC) RESPONSE TO
FLAGLER COUNTY'S (COUNTY) REPLY TO PCUC'S
MOTION TO INTERVENE

PCUC files this its response to Flagler County's (County) Reply to PCUC's Motion to Intervene and states:

1. County says in paragraph 1 that it . . . "recognizes that PCUC has been able to circulate the substance of its objections to commission staff regardless of whether it is permitted to intervene." PCUC nor its undersigned attorney have circulated its position to commission staff. PCUC filed an original and fifteen copies of its pleadings with the Division of Records and Reporting. PCUC also sent a copy of its pleadings to the Director of Division of Water and Wastewater because the County's cover letter indicated that it had done so. PCUC believes that the Division of Records and Reporting provided a copy of PCUC's pleadings as is its normal practice.

2. County takes the position that PCUC's Motion to intervene is a request for the Commission (PSC) to make a judicial decision. County's position is not accurate. PCUC is simply asking the PSC to follow the clear legislative intent as set forth in Section 367.171(1), F.S. The statute does not grant the PSC the authority to cease exercising its responsibility over water and wastewater utilities in Flagler County pursuant to a resolution by the County. There is no statute that authorizes the PSC to take such action when Flagler County did not come under the PSC's jurisdiction by resolution, but by an act of the legislature.

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FPSC-RECORDS/REPORTING

3. The County says that the PSC does not have jurisdiction over it. The PSC does have jurisdiction to determine whether the PSC continues to have the authority to regulate water and wastewater utilities in Flagler County.

4. The resolution that the County sent the PSC can not authorize the PSC to cease regulation in Flagler County. The PSC can determine that it still has jurisdiction on its own motion regardless of the pleadings PCUC or the County files with the PSC. This is a decision the PSC must make.

DATED this 4th day of September, 1996.

Respectfully submitted,



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Attorneys for
PALM COAST UTILITY CORPORATION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to Ms. Donna Cyrus-Williams, Esquire, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Blvd, Tallahassee, Florida 32399-0850, and by U.S. mail to Mr. Albert Hadeed, County Attorney, Flagler County, 1200 East Moody Blvd. #11, Bunnell, Florida 32110-9764, on this 4th day of September, 1996.



B. Kenneth Gatlin