

ORIGINAL

STATE OF FLORIDA
BEFORE THE PUBLIC SERVICE COMMISSION

In re: APPLICATION OF LAKE SUZY
UTILITIES, INC. FOR AN ORIGINAL
CERTIFICATE FOR A UTILITY IN
EXISTENCE AND CHARGING RATES

Docket No. 970657-WS

OBJECTION OF THE BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA, TO THE APPLICATION OF LAKE
SUZY UTILITIES, INC., FOR AN ORIGINAL CERTIFICATE FOR A
UTILITY IN EXISTENCE AND CHARGING RATES, AND REQUEST
FOR FORMAL HEARING.

The BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY,
FLORIDA, (hereinafter referred to as the "Board"), hereby files this Objection to the
Application of Lake Suzy Utilities, Inc., (hereinafter referred to as "Lake Suzy Utilities") for
an Original Certificate for a Utility in Existence and Charging Rates, and Request for
Formal Hearing, and states that:

1. This objection relates to the Application of Lake Suzy Utilities for an Original

ACK _____
AFA _____
APP _____ Certificate for a Utility in Existence and Charging Rates, filed September 11, 1997
CAF _____
CMU _____
CTR _____
EAG _____
LEG 1 _____ (hereinafter referred to as the "Application").

2. The Board is the governing body of Charlotte County, Florida, a county
affected by the Application.

3. This objection has been timely filed for purposes of the Board requesting a
public hearing on the Application, pursuant to Section 367.045(4), Florida Statutes, in that

LIN _____
OPC _____
RCH _____
SEC 1 _____
WAS _____
OTW _____
Dayton

30 days has not passed since the mailing of actual notice or publication of the Application to the Board.

4. The Board raises the following objections to the Application filed by Lake Suzy Utilities:

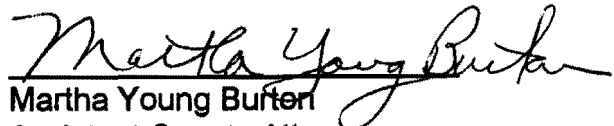
- a. The Application proposes to add property to the certificated area of Lake Suzy Utilities (see legal description in Exhibit M of the Application) that is wholly within Charlotte County, Florida, and also wholly within the boundaries of the service area of Charlotte County Utilities (CCU), a publicly owned water and wastewater system owned and operated by Charlotte County, Florida, pursuant to its powers as a home rule county, Florida Statutes Sections 125.01 and 153.08, and Charlotte County Ordinances Numbers 95-044 and 95-045, as amended. (The Charlotte County Board of County Commissioners established CCU's service area as Water & Sewer District No. 1 by Resolution Number 91-79 adopted April 23, 1991, copy enclosed as Exhibit 1.)
- b. CCU has already invested capital in the extension of utility service lines to this property, and service is currently available to contiguous properties. (A map is enclosed as Exhibit 2.) The deletion of this property from CCU's service area would cause irreparable monetary harm to Charlotte County rate payers and bond holders.
- c. CCU, the Board, and Charlotte County would be "substantially affected" by the requested certification, as defined by Section 367.045(4), Florida Statutes.

5. Wherefore, the Board requests the following relief:

- a. That the Public Service Commission deny the Application;
- b. That a copy of the Application, and all supporting documents, be forwarded to the Board, c/o Jan Winters, Charlotte County Administrator, 18500 Murdock Circle, Port Charlotte, Florida 33948-1094;
- c. That pursuant to Rule 25-22.029, F.A.C., the Public Service Commission issue a Notice of Proposed Agency Action concerning the Application; and

- d. If necessary, the Public Service Commission hold a public hearing on the Application in order that the Board may preserve CCU's service area, such public hearing to be in Charlotte County, Florida, pursuant to Section 367.045(4), Florida Statutes.

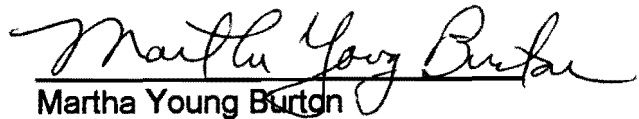
Respectfully submitted,



Martha Young Burton
Assistant County Attorney
Fla. Bar #398179
Attorney for Charlotte County, Florida
Charlotte County Attorney's Office
18500 Murdock Circle
Port Charlotte, FL 33948-1094
(941) 743-1330

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the attached Service List by U.S. Mail this 23rd day of October, 1997.



Martha Young Burton

EXHIBIT 1

RESOLUTION
NUMBER 91-79

MAY 24 1991

A RESOLUTION ESTABLISHING THE CHARLOTTE COUNTY WATER AND SEWER DISTRICT NO. 1 AND SETTING FORTH THE BOUNDARIES THEREOF.

BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. Pursuant to Chapter 153.08, Fla. Stat., the Charlotte County Board of County Commissioners hereby establishes the Charlotte County Water and Sewer District No. 1 to consist of all of the real property currently receiving water and/or sewer service from General Development Utilities, Inc., in the County, except those properties presently receiving water and sewer service from a source other than General Development Utilities, Inc., directly or indirectly, and including all real property to be served by the County from the Acquired Facilities of GDU. The physical boundaries and outline of the Charlotte County Water and Sewer District No. 1 are set forth on Exhibit "A" attached to this resolution and by reference made a part hereof.

2. The Board of County Commissioners deems it necessary to create the Charlotte County Water and Sewer District No. 1 to facilitate its acquisition of the water and sewer assets of General Development Utilities, Inc., located within that District in order to protect the health, safety and welfare of the residents and property located therein and to properly finance the acquisition of said Utility assets by customers of General Development Utilities, Inc., located therein and by vacant properties located

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BY JEAN JOHNSON

1 RETURN TO COMMISSION MINUTES
MURDOCK

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therein which can be served by the water and sewer assets currently owned by General Development Utilities, Inc., as expanded from time to time.

3. Creating a separate water and sewer district within Charlotte County is further made necessary by the desire and determination of the Board of County Commissioners to provide water and sewer service throughout other areas of Charlotte County currently served by private utilities whose rate structure, customer base, etc., may require different service criteria and which are not presently capable of interconnection with the Utility within the Charlotte County Water and Sewer District No. 1.

4. Pursuant to Chapter 153, Fla. Stat., the Board of County Commissioners resolves to exercise the powers granted by Chapter 153, Fla. Stat., Part I, by acquiring, owning, operating and expanding water and sewer utility services within the District set forth above, and to that end to acquire the water and sewer assets of General Development Utilities, Inc., located within said District. In choosing to exercise the powers granted by Chapter 153, Fla. Stat., the Board of County Commissioners has caused to be made such surveys, investigations, studies, borings, maps, plans, drawings and estimates of costs and of revenues as it deems necessary to have prepared for it so that the Board has available to it a Comprehensive Study and Report contemplated by Chapter 153, Fla. Stat. Said Comprehensive Study and Report has been considered and the results thereof set forth both in the resolution and said Comprehensive Study and Report. Said Comprehensive Study and

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Report has been prepared for the Board by the Water and Sewer Utility Acquisition Team for the acquisition of the water and sewer assets of General Development Utilities, Inc., in the District, which Report has been presented in writing and orally before the Board of County Commissioners. By virtue of said Report and by virtue of the other information made available to it through public hearing, the Board of County Commissioners determines that the acquisition of the water and sewer assets and facilities of General Development Utilities, Inc., used within the Charlotte County Water and Sewer District No. 1 should be made to protect the health, welfare and safety of the residents and property owners within said District No. 1 and to render fire protection to the inhabitants of the County residing within said District.

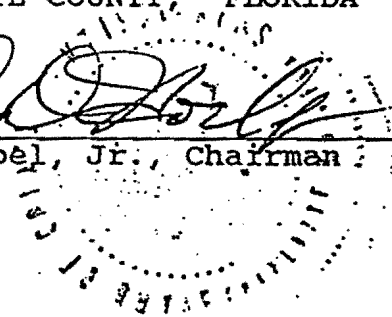
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PASSED AND DULY ADOPTED this 23rd day of April, 1991.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

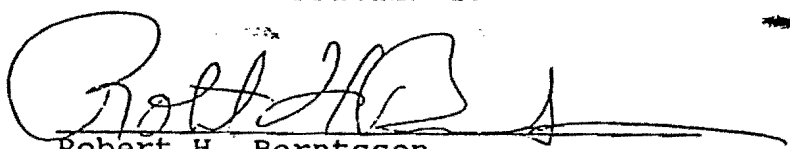
By 
Wm. D. Noel, Jr., Chairman



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners

By 
Deputy Clerk

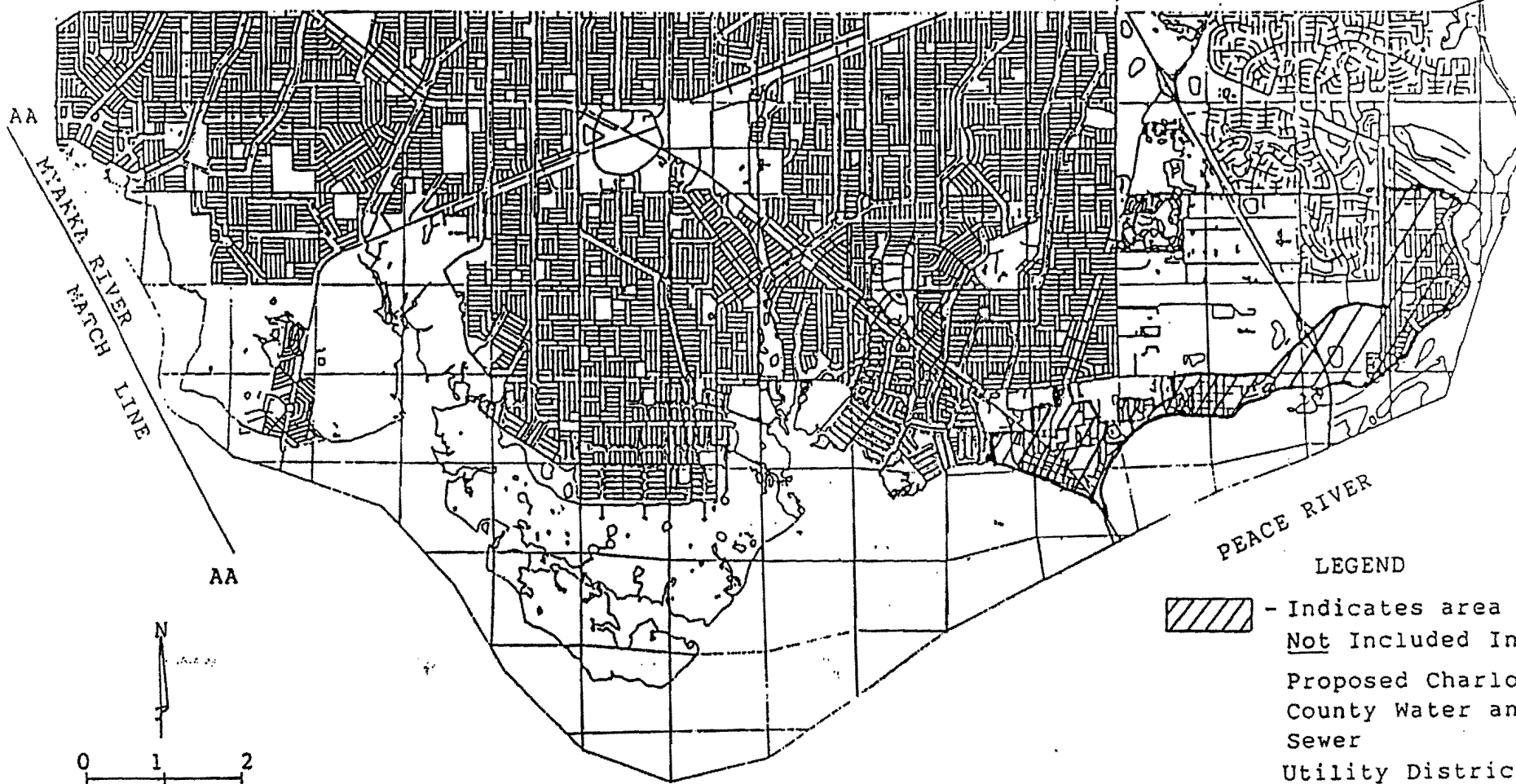
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Robert H. Berntsson
Chief Assistant County Attorney

ja:\res\W&SDIS/041991


SARASOTA COUNTY

DESOTO COUNTY



PEACE RIVER

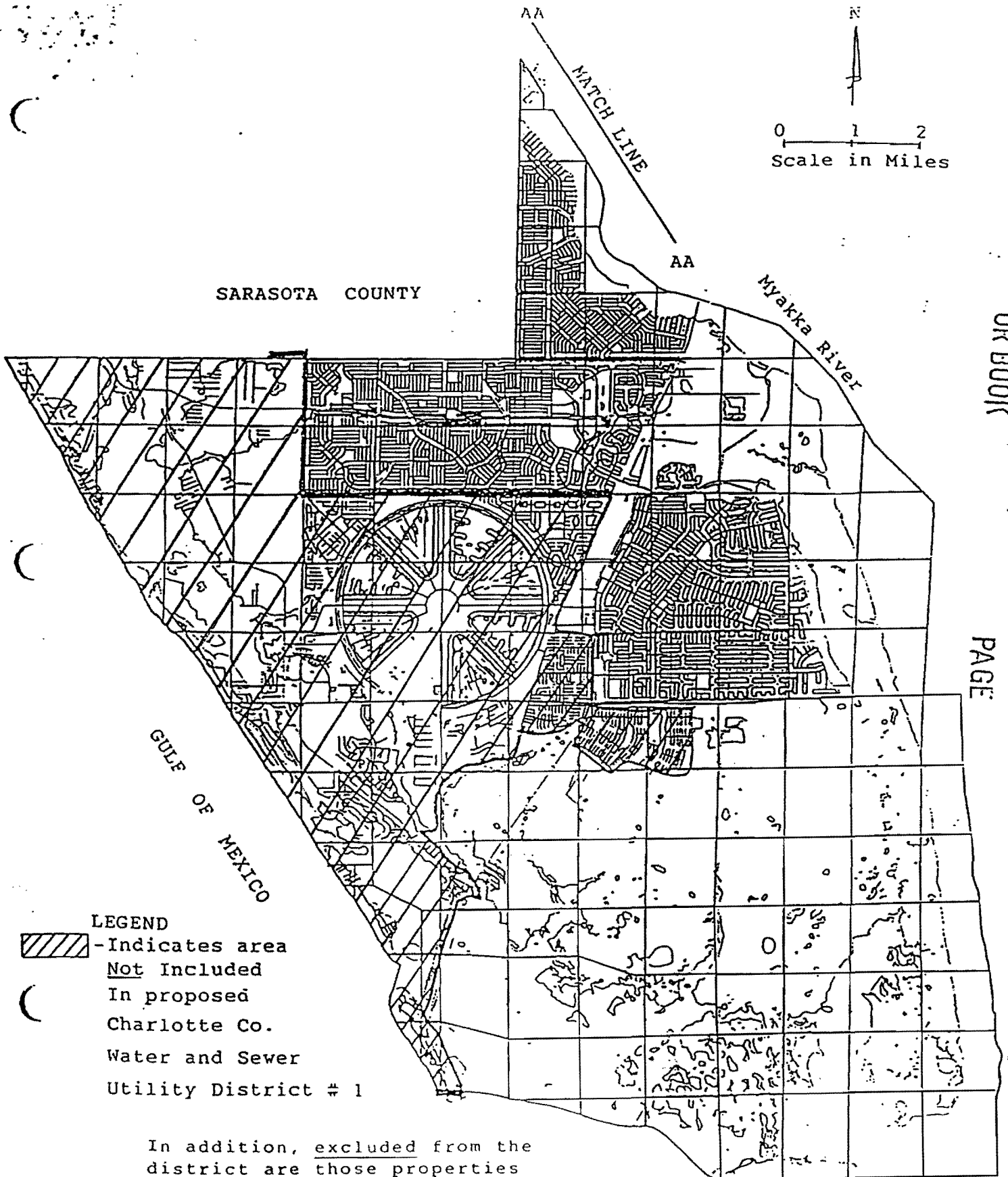
LEGEND

-  - Indicates area Not Included In Proposed Charlotte County Water and Sewer Utility District # 1

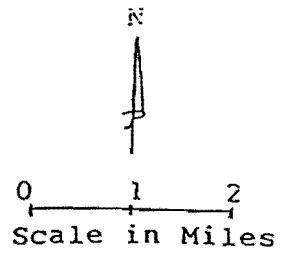
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Scale in Miles

EXHIBIT A
1 of 2

In addition, excluded from the district are those properties presently receiving water and sewer service from a source other than General Development Utilities, Inc., directly or indirectly.



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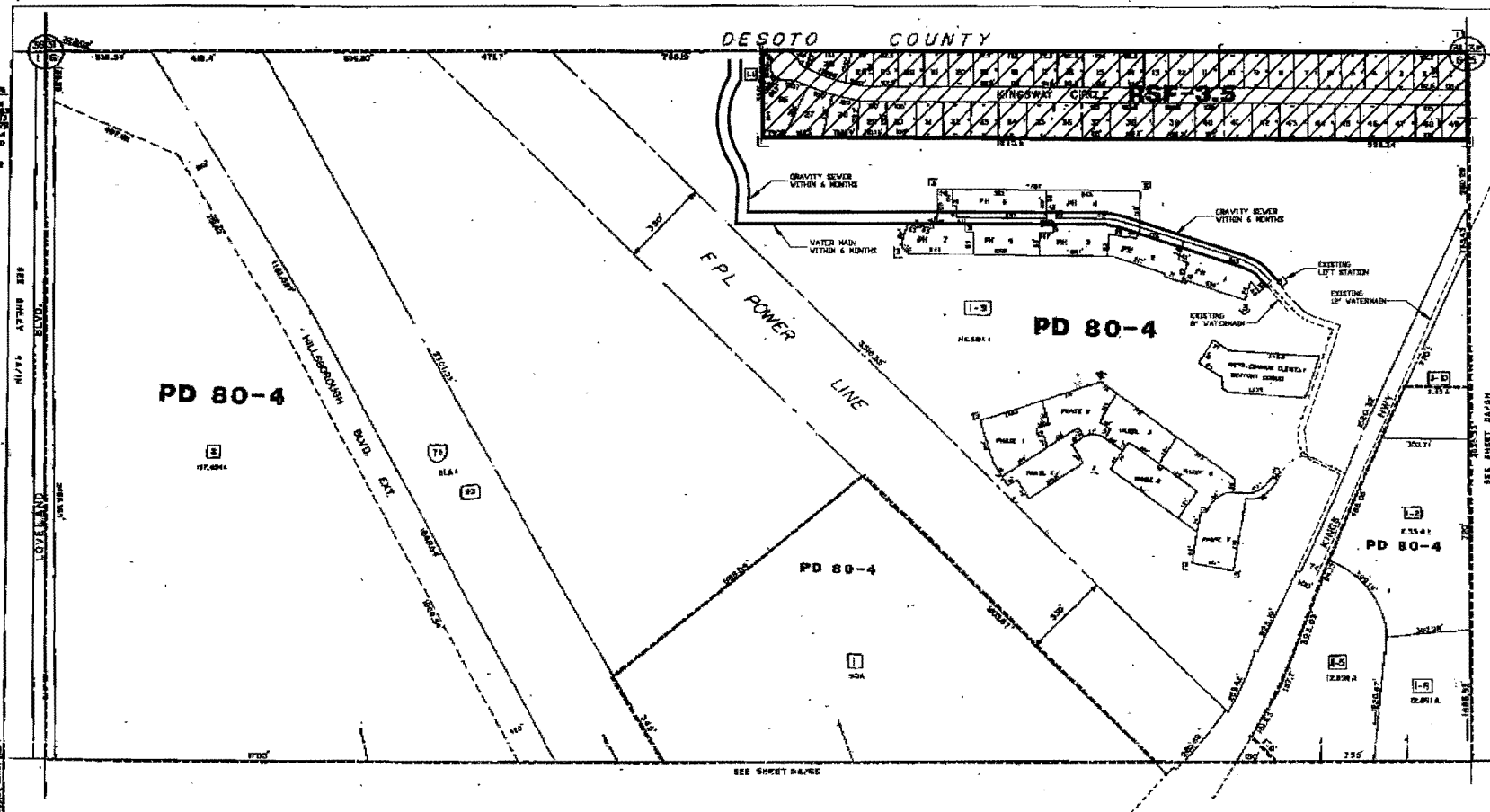
-Indicates area
Not Included
In proposed
Charlotte Co.
Water and Sewer
Utility District # 1

In addition, excluded from the district are those properties presently receiving water and sewer service from a source other than General Development Utilities, Inc., directly or indirectly.

PROPOSED LAKE SUZY SERVICE AREA ADDITION

10/22/97 WED 10:03 FAX 841 743 4530
 CHARLOTTE CO. UTILITIES

DESOTO COUNTY



TRU-REDI
 1-800-345-7334



CHARLOTTE COUNTY
 FLORIDA

SECTION	DESIGN	UPON/ID	SHEET NUMBER
E	E-2-27		54
RAY/NEP/	622		6A
RANGE	238		

- EXISTING WATER SERVICE
- EXISTING SEWER F.M.
- COMPLETED WITHIN 6 MONTHS
- FUTURE WATER LINE
- PROPOSED LAKE SUZY ADDITION

EXHIBIT 2