

Matilda Sanders

From: Michele Parks [michele@RSBattorneys.com]
Sent: Tuesday, June 12, 2007 11:51 AM
To: Filings@psc.state.fl.us
Cc: Martha Brown; smlubertozzi@uiwater.com; jphoy@uiwater.com; Patrick Flynn
Subject: Docket No.: 070312-WS/Utilities, Inc. of Florida & Wedgefield Utilities, Inc.
Attachments: UIFs Motion to Dismiss.pdf

ORIGINAL

- a. Martin S. Friedman, Esquire
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- b. Docket No.: 070312-WS/Petition for Writ of Mandamus by Baypointe Builders, LLC
- c. Utilities, Inc. of Florida
- d. 3 Pages
- e. Utilities, Inc. of Florida's Motion to Dismiss Verified Petition for Writ of Mandamus Ordering the Provision of Water/Sewer Service

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

IN RE: Petition for Writ of Mandamus
ordering Utilities, Inc. of Florida and
Wedgefield Utilities, Inc., to provide
water and wastewater service to
Baypointe Builders, LLC, in Orange
County, Florida

Docket No.: 070312-WS

UTILITIES, INC. OF FLORIDA'S MOTION TO DISMISS VERIFIED PETITION
FOR WRIT OF MANDAMUS ORDERING THE PROVISION OF
WATER/SEWER SERVICE

Respondent, UTILITIES, INC. OF FLORIDA ("UIF"), by and through its undersigned attorneys, files this Motion to Dismiss Petitioner's Verified Petition for Writ of Mandamus Ordering the Provision of Water/Sewer Service, and in support thereof, states:

1. Petitioner filed the "Complaint" in this Docket against UIF and Wedgefield Utilities, Inc. ("Wedgefield").
2. The allegations of the Complaint involve Petitioner's request for water and wastewater service to its property "along Maxim Parkway in the "City" area of Wedgefield, Orange County, Florida."
3. The property involved is not located within the certificated service area of UIF, but is located in the certificated service area of Wedgefield Utilities, Inc.
4. Even a minimal amount of due diligence by Petitioner would have disclosed that its property is not located in UIF's service area. Petitioner combines Wedgefield and UIF for most of the allegations even though the property is not, and could not be, in the service area of both utilities.
5. UIF has retained the undersigned law firm to respond to Petitioner's frivolous

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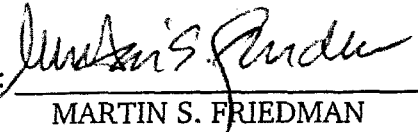
FPSC-COMMISSION CLERK

"Complaint" and is obligated to pay such law firm a reasonable fee for its services.

WHEREFORE, UTILITIES, INC. OF FLORIDA, requests this Commission issue an Order dismissing the Plaintiff's Petition as to UIF and awarding UIF reasonable attorney's fees so that UIF's customers do not have to pay for Petitioner's lack of due diligence.

Respectfully submitted on this 12 day of June, 2007, by:

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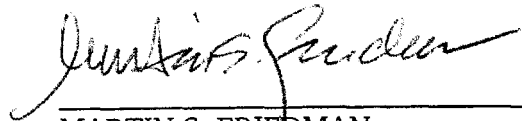
BY: 
MARTIN S. FRIEDMAN
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO.: 070312-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail this 12th day of June, 2007, to:

Damon A. Chase, Esquire
CHASE FREEMAN
250 International Parkway
Suite 250
Lake Mary, FL 32746

Martha Brown, Esquire
Office of General Counsel
Florida Public Service Commission
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