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June 15, 1998

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Jennifer Brubaker, Staff Attorney
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Our File No. 40200-6

Re: Amended Notice of Objection to Application for
Amendment of Certificate Nos. 373-W and 322-S,
Docket No. 980467-WS, and Notice of Appearance

Dear Ms. Brubaker:

I have been authorized to respond to Mr. Hans Ottinot's May 14, 1998 letter on behalf of Mr. James Lowry and the Board of County Commissioners of Marion County. Hopefully, this letter will clarify Mr. Lowry's position and that of the Board with respect to Docket No. 980467-WS.

As you know, Chairman Randy Harris filed a Notice of Objection to Application for amendment of Certificate Nos. 373-W and 322-S on behalf of the Board objecting to certain portions of proposed territory sought by Florida Water Services Corporation ("Florida Water"). When the Board authorized Chairman Harris to object, there were circumstance of which Staff was unaware which would have caused the Board to object to certain additional proposed sewer service territory adjacent and west of the intersection of Interstate 75 and State Road 484 depicted as Parcel 646 on Exhibit "A" of Mr. Harris' letter. In an abundance of caution, County Administrator James Lowry objected to this territory prior to requesting Board authorization so as not to miss any filing deadline. Mr. Lowry's April 29 letter noted that this matter would be presented to the Board in due course for ratification and authorization for objection. On May 19, the Board so ratified Mr.

- ACK [checked]
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Lowry's objection as on their behalf and authorized the amendment to its previous objection. At that time, they likewise authorized me to act as counsel on behalf of the Board and Mr. Lowry.

On that same day, Mr. Lowry received an incomplete form letter from Mr. Ottinot requesting clarification as to whether his (that is, Mr. Lowry's) letter was a comment letter or a letter requesting party status. Mr. Lowry and the Board have requested that I respond to Mr. Ottinot and the Public Service Commission. When I called Mr. Ottinot's office on Thursday, June 11, I was told he was no longer involved in this docket and that you are handling this matter. Since you were absent on sick leave for both June 11 and June 12, I was referred to Mr. Ralph Yaeger of the Legal Division. My intention was (and is) to clarify this matter.

On behalf of the Board of County Commissioners, I am authorized to reiterate and restate their objection for all of the reasons stated in Chairman Harris' April 29, 1998 Notice of Objection to those proposed water and sewer service territories as set forth in the exhibits to Mr. Lowry's April 29, 1998 letter. This objection includes the proposed territory described in the exhibits attached to Chairman Harris' letter **plus** the additional proposed sewer service territory set forth in Mr. Lowry's letter. If under the PSC's rules and statutes, Mr. Lowry is required to remain a party to preserve the timeliness of the objection to this additional proposed sewer service territory, then it is Mr. Lowry's intention to be a party for that purpose. If on the other hand, the Board's objection as amended and restated in this letter is timely and sufficient to include objection to the additional proposed sewer service territory, then only in that event would Mr. Lowry consent to his letter being placed in the correspondence file.

Please take notice that the undersigned appears as counsel on behalf of the Board of County Commissioners of Marion County and James Lowry in the above-referenced docket. Copies of all correspondence, communications, recommendations, reports, notices, orders or pleadings should be served on the undersigned counsel at the address below. I also wanted to inform you that the County and Florida Water have met and are

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meeting to investigate the possibility of a settlement of this matter. Please call me if you have any questions or suggestions.

Respectfully submitted.



Thomas A. Cloud  
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407/843-8880  
407/244-5690 (fax)  
Attorney for Marion County Board of County  
Commission and James Lowry

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and 7 copies, was served via personal delivery this 15th day of June, 1998 on the following:

- (1) Blanca S. Bayo, Director  
Division of Records and Reporting  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
904/413-6770

With a copy via U.S. Mail to:

- (2) Joseph Hanratty  
FORMAN, KREHL & LANDT  
Post Office Box 159  
Ocala, FL 32678-0159

Jennifer Brubaker, Staff Attorney  
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- (3) Brian Armstrong, Esquire  
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- (4) Kenneth Hoffman, Esquire  
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- (5) Gordon B. Johnston, County Attorney  
MARION COUNTY  
601 S.E. 25th Avenue  
Ocala, FL 34471-2690
- (6) Randy Harris, Chairman  
MARION COUNTY BOARD OF COUNTY COMMISSIONERS  
601 S.E. 25th Avenue  
Ocala, Florida 34471
- (7) James Lowry, County Administrator  
MARION COUNTY  
601 S.E. 25th Avenue  
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