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REPLY TO: Tallahassee

April 13, 1993

Mr. Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850

HAND DELIVERY

Re: FPSC Docket No. 920199-WS

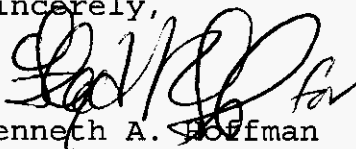
Dear Mr. Tribble:

Enclosed for filing in the above-referenced docket are the original and fifteen copies of the Response of Southern States Utilities, Inc. to Petition of Sugarmill Manor, Inc. for Intervention and Reconsideration.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

- ACK _____
- AEA 1
- APP _____
- CAF _____
- CMJ _____
- CTR KAH/r1
- EAG Enclosures
- LEG 1
- LIN 4
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- RCH _____
- SEC _____
- WAS _____
- OTH _____

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APR 13 1993
FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
04022 APR 13 93
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Southern)
States Utilities, Inc. and Deltona)
Utilities, Inc. for Increased)
Water and Wastewater Rates in)
Citrus, Nassau, Seminole, Osceola,)
Duval, Putnam, Charlotte, Lee,)
Lake, Orange, Marion, Volusia,)
Martin, Clay, Brevard, Highlands,)
Collier, Pasco, Hernando, and)
Washington Counties.)
_____)

Docket No. 920199-WS
Filed: April 13, 1993

RESPONSE OF SOUTHERN STATES UTILITIES, INC. TO
PETITION OF SUGARMILL MANOR, INC.
FOR INTERVENTION AND RECONSIDERATION

Southern States Utilities, Inc. ("Southern States" or "Company"), pursuant to Rules 25-22.037, 25-22.039, 25-22.056, Florida Administrative Code, respectfully responds to the Petition for Intervention and Reconsideration of Sugarmill Manor, Inc. ("Sugarmill Manor") and requests that the Florida Public Service Commission ("Commission") deny the Petition for Intervention or, if intervention is granted, deny the reconsideration. In support of this Response, Southern States states:

RESPONSE TO INTERVENTION

1. On April 8, 1993, the Company received a copy of Sugarmill Manor's Petition for Intervention and Reconsideration of Order No. PSC-93-0423-FOF-WS (the "Final Order") which was issued March 22, 1993. On April 13, 1993, counsel for Southern States was advised by the Commission's Division of Records and Reporting that Sugarmill Manor's Petition has not been filed with the Commission.

2. The Final Order was issued after ten (10) customer meetings throughout the state, including one on August 19, 1992 in Ocala and another on September 9, 1992 in Brooksville, near where

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the Sugarmill Woods system presumably serving Sugarmill Manor is located, and a five-day final, technical hearing beginning on November 6, 1992 in Tallahassee. These hearings were noticed in local newspapers, individual customer notices, and the Florida Administrative Weekly. See Exhibits 1-15.

3. Rule 25-22.039, Florida Administrative Code, requires that petitions for leave to intervene must be filed "at least five days before the final hearing." Sugarmill Manor's Petition has not even been filed. However, even if it had been filed, the Petition would violate Rule 25-22.039 and should be denied as untimely and improper. See, e.g., 92 FPSC 11:77 (Order No. PSC-92-1264-PCO-EI, Nov. 3, 1992). The rationale for this rule has been stated clearly and succinctly by the Commission:

it is obvious that the intent of the rule is to limit the ability of a party to intervene to the period prior to a decision by the Commission. It would at the very least invite a chaotic situation, if the Commission were to allow non-parties to participate and make their arguments after the Commission made its final decision in a case.

Order No. 25799, at 2. Sugarmill Manor has not presented any basis for deviation from the rule or exception to this policy.

4. Moreover, there is no need or basis for granting Sugarmill Manor intervenor status on a going forward basis. In Docket No. 871394-TP involving alternative operator service ("AOS") providers, petitioners who sought intervention after the final hearing were denied reconsideration but granted intervenor status on a going forward basis. Docket No. 871394-TP, Order No. 22243, at 13 (Nov. 29, 1989). However, the AOS proceeding was a generic,

industry-wide docket involving the establishment of policies affecting all industry providers of operator services. At the time the interventions were granted on a going forward basis, future, additional proceedings were contemplated. The present case is entirely different as it is a ratemaking proceeding that by its own terms is without generic or industry-wide application. Thus, there is no justification for granting Sugarmill Manor intervenor status on a going forward basis.

5. Because Sugarmill Manor was not a party to these proceedings prior to the issuance of the Final Order, it has no standing to now seek reconsideration by seeking intervention and reconsideration. Order No. 22243, at 13.

6. In addition, while denying Sugarmill Manor's intervention, it would be inappropriate to treat Sugarmill Manor's reconsideration as an amicus memorandum in support of reconsideration by Cypress and Oak Villages Association of Homosassa. Order No. 25799, at 1-2.

RESPONSE TO RECONSIDERATION

7. Although intervention should be denied based on the above-stated Commission rule and precedents, if granted, Sugarmill Manor's request for reconsideration should be denied as it has not been filed within 15 days following issuance of the Final Order, as required under the Final Order, at 112, and Rule 25-22.060(3)(a), F.A.C.¹, and for the reasons stated in Southern States' Response

¹Failure to timely file a motion for reconsideration constitutes waiver of the right to do so under Rule 25-22.060(1)(d), F.A.C.

to the Motions for Reconsideration filed by Office of Public Counsel, COVA and Citrus County, which Response is incorporated herein by reference.

Respectfully submitted,



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Attorneys for Southern States
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Southern States' Response to Motions for Reconsideration Filed By Public Counsel, Cova and Citrus County was furnished by hand delivery (*) and/or U. S. Mail, this 13th day of April, 1993, to the following:

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By: 
KENNETH A. HOFFMAN, ESQ.