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Original  
FILE COPY

November 12, 1996

Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 920199-WS

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizen's Motion for Reconsideration and Clarification or, in the Alterative, Motion to Modify Stay.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck  
Deputy Public Counsel

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Application for rate increase in )  
 Brevard, Charlotte/Lee, Citrus, Clay, )  
 Duval, Highlands, Lake, Marion, )  
 Martin, Nassau, Orange, Osceola, )  
 Pasco, Putnam, Seminole, Volusia, and )  
 Washington Counties by SOUTHERN )  
 STATES UTILITIES, INC.; Collier )  
 County by MARCO SHORES UTILITIES )  
 (Deltona); Hernando County by )  
 SPRING HILL UTILITIES (Deltona); )  
 and Volusia County by DELTONA )  
 LAKES UTILITIES (Deltona) )

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Docket no. 920199-WS

Filed: November 12, 1996

**MOTION FOR RECONSIDERATION AND CLARIFICATION OR, IN THE ALTERNATIVE, MOTION TO MODIFY STAY**

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, move the Florida Public Service Commission ("Commission") to either reconsider and clarify order no. PSC-96-1311-FOF-WS issued October 28, 1996, or alternatively to modify the stay set forth in the order.

1. Over one year ago the Commission issued order no. PSC-95-1292-FOF-WS in docket 920199-WS entitled "Order Complying with Mandate, Requiring Refund, and Disposing of Joint Petition." This order required Southern States Utilities, Inc. ("SSU") to implement final rates based on a modified individual system basis. Order no. PSC-95-

1292-FOF-WS at 5. SSU subsequently moved for reconsideration of that order, and then the Commission itself further reconsidered the order on its own motion.

2. In SSU's most recent rate case, the Commission based SSU's interim rates on this same modified stand alone rate structure. Order no PSC-96-0125-FOF-WS, docket 950495-WS, issued January 25, 1996. The Spring Hill system, however, was not affected by the interim rate increase because the Commission had decided that systems located in Hernando, Hillsborough, and Polk county would not be subject to a rate increase in docket 950495-WS. Order no. PSC-95-1385-FOF-WS, docket 950495-WS, issued November 7, 1995.

3. SSU implemented the interim rate increase in docket 950495-WS based on modified stand-alone rates. Rates in Spring Hill, however, remained at uniform rate levels because Spring Hill was not included in docket 950495-WS.

4. Once SSU implemented the interim rate increase in docket 950495-WS based on modified stand alone rates, there was no longer any reason for Spring Hill to continue paying uniform rates. The interim rates provided the full revenue requirement for the systems in docket 950495-WS without requiring a subsidy from the Spring Hill system.

5. On August 14, 1996, the Commission issued order no. PSC-96-1046-FOF-WS in docket 920199-WS entitled "Final Order on Remand and Requiring Refund." This

order reaffirmed the portions of order no. PSC-95-1292-FOF-WS which addressed the implementation of the modified stand alone rate structure. SSU appealed this order to the First District Court of Appeal, and the Citizens filed a notice of cross-appeal.

6. On September 3, 1996, SSU moved for a stay of order no. PSC-96-1046-FOF-WS. SSU cited the refund requirement of the order as the basis for its request for a stay. Order No. PSC-96-1311-FOF-WS issued October 28, 1996, granted SSU's motion for stay.


7. The Citizens believe it was the Commission's intent to only stay the refund requirement of order no. PSC-96-1046-FOF-WS, and not to further delay implementation of modified stand alone rates in Spring Hill. SSU cited only the refund provisions of the order in its motion seeking a stay. There is no purpose in delaying the implementation of modified stand alone rates in Spring Hill any longer. In fact, immediate implementation of these rates will stop the accrual of additional refund obligations by SSU to its customers in Spring Hill.

8. The Commission should clarify that the stay applies only to the refund obligation of SSU and not also to the rates charged by SSU in Spring Hill. Alternatively, the Commission should modify the stay so that it only applies to the refund obligation.

**WHEREFORE**, the Citizens move the Commission to reconsider and clarify that order no. PSC-96-1311-FOF-WS applies only to SSU's refund obligation and not also to the rates charged by SSU in Spring Hill. Alternatively, the Citizens request the Commission to modify the stay so that it only applies to the refund obligation.

Respectfully submitted,

Jack Shreve  
Public Counsel



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Attorneys for the Citizens  
of the State of Florida

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a correct copy of the foregoing Notice of Appeal has been furnished by U.S. Mail or hand-delivery\* to the following party representatives on this 12th day of November, 1996.

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