

FILE COPY

LAW OFFICES

McWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, RIEF & BAKAS, P.A.

LYNWOOD F. ARNOLD, JR.
JOHN W. BAKAS, JR.
HARRY LEE COE, IV
LINDA DARSEY HARTLEY
C. THOMAS DAVIDSON
STEPHEN O. DECKER
LINDA E. JORGE
VICKI GORDON KAUFMAN
JOSEPH A. MCGLOTHLIN
JOHN W. MCWHIRTER, JR.
RICHARD W. REEVES
FRANK J. RIEF, III
DAVID W. STEEN
PAUL A. STRASKE

100 NORTH TAMPA STREET, SUITE 2800
TAMPA, FLORIDA 33602-5126

MAILING ADDRESS: TAMPA

P.O. Box 3350, TAMPA, FLORIDA 33601-3350

TELEPHONE (813) 224-0866

FAX (813) 221-1854

CABLE GRANDLAW

PLEASE REPLY TO:
TALLAHASSEE

TALLAHASSEE OFFICE
117 S. GADSDEN
TALLAHASSEE, FLORIDA 32301
TELEPHONE (904) 222-2525
FAX (904) 222-5606

September 20, 1996

HAND-DELIVERED

Blanca S. Bayo, Director
Division of Records and Reporting
Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

Re: Docket No. 920199-WS

Dear Ms. Bayo:

Enclosed for filing is the original and 15 copies of the Response of City of Keystone Heights and Marion Oaks Civic Association to Petition of Senator Ginny Brown-Waite and Morty Miller to Compel Rate Reductions and Rate Refunds and for Maximum Penalty in the above docket.

Please acknowledge receipt of the above on the extra copy enclosed herein and return it to me. Thank you for your assistance.

- ACK
- AFA 1
- APP _____
- CAF _____
- CMU _____ JAM/pw
- CTR _____ Encls.
- EAG _____
- LEG 1
- LIN 5
- OPC _____
- RCH _____
- WAS 1
- OTH _____

Sincerely,

Joe McGlothlin
Joseph A. McGlothlin

RECEIVED & FILED
EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
004081 07616 JUL 28 96
EPSC-RECORDS/REPORTING

FILED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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))
_____)

Docket No. 920199-WS

Filed: July 28, 1997

**RESPONSE OF CITY OF KEYSTONE HEIGHTS AND
MARION OAKS CIVIC ASSOCIATION TO
PETITION OF SENATOR GINNY BROWN-WAITE AND MORTY MILLER TO
COMPEL RATE REDUCTIONS AND RATE REFUNDS AND FOR MAXIMUM PENALTY**

Pursuant to rule 25-22.037, Florida Administrative Code, the City of Keystone Heights and the Marion Oaks Civic Association (Keystone/Marion), hereby respond to the Petition of Senator Ginny Brown-Waite and Morty Miller as follows:

1. Because it is not known at this time whether or not Brown-Waite/Miller will be parties to this docket, Keystone/Marion file this response¹ in an abundance of caution (even though the time for filing a response would run (if at all) from the date

¹Keystone/Marion were originally denied intervention in this proceeding. The First District Court of Appeal reversed the denial. Staff has recommended that intervention be granted to Keystone/Marion. The Commission will consider the recommendation at its August 5 Agenda. So that they may timely respond to the substance of Brown-Waite/Miller's motion, Keystone/Marion submit this response subject to the ruling on their motion to intervene.

DOCUMENT NUMBER-DATE

97616 JUL 28 97

6588

FPSC-RECORDS/REPORTING

intervention is granted).

2. Keystone/Marion object to Brown-Waite/Miller's demand that certain customers (including, it is assumed, Keystone/Marion) be surcharged to fund refunds to other customers and ask that this request be denied.² Keystone/Marion suggests that the circumstances of this case are unique and that it would be patently unfair to surcharge Keystone/Marion. The Commission must be concerned about fairness to all customers.

3. Keystone/Marion customers had no ability to adjust consumption so as to minimize any additional future charges. Further, given the length of time this case has been pending, the Commission might well end up surcharging customers on the system who were not even subject to the original uniform rates. Before considering any action, the Commission should gather and analyze the information concerning the number of customers who would be affected by a surcharge and the amount of money they would be required to pay collectively and on an individual basis to fund any refund to other customers. This information bears on the equity of imposing a surcharge of the magnitude needed to fund a refund to other customers.

4. Keystone/Marion are aware that Staff has recommended briefing on the remand issues. Keystone/Marion have no objection to Staff's recommendation, but suggest that the Commission require SSU to provide it and the parties with current

²Keystone/Marion do not respond to the other portions of the petition.

information regarding the impact of any surcharge on customers prior to the deadline for the briefs.



Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 222-2525

Attorneys for City of Keystone Heights
& Marion Oaks Civic Association

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Response of City of Keystone Heights and Marion Oaks Civic Association to Petition of Senator Ginny Brown-White and Morty Miller to Compel Rate Reductions and Rate Refunds and for Maximum Penalty** has been served by U.S. Mail or hand-delivery* to the following on this **28th day of July, 1997:**

Lila Jaber*
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Room 370G
Tallahassee, Florida 32399-0850

Arthur J. England, Jr.
Greenberg, Traurig, Hoffman,
Lipoff, Rosen & Quentel, P.A.
1221 Brickell Avenue
Miami, Florida 33131

Brian P. Armstrong
Matthew Feil
Florida Water Services Corporation
General Offices
1000 Color Place
Apopka, Florida 32703

Kenneth A. Hoffman
William B. Willingham
Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
215 South Monroe Street, Suite 420
Post Office Box 551
Tallahassee, Florida 32302

Kjell W. Petersen, Director
Marco Island Civic Association
418 South Barfield Drive
Marco Island, Florida 33937-5142

Russell D. Castleberry
County Attorney
Putnam County
Post Office Box 758
Palatka, Florida 32178-0758

Harry C. Jones, P.E., President
Cypress & Oak Villages Association
91 Cypress Boulevard, West
Homosassa, Florida 32646

Michael B. Twomey
Post Office Box 5256
Tallahassee, Florida 32314-5256

Darol H. N. Carr
David Holmes
Farr, Farr, Emerich, Sifrit,
Hackett & Carr, P.A.
Post Office Drawer 159
Port Charlotte, Florida 33949

Susan W. Fox
MacFarlane, Ferguson & McMullen
Post Office Box 1531
Tampa, Florida 33601

Larry M. Haag
County Attorney
111 West Main Street, Suite B
Inverness, Florida 33450-4882

Charles J. Beck
Deputy Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

Michael S. Mullin
Post Office Box 1563
Fernandina Beach, Florida 32304

Arthur I. Jacobs
Post Office Box 1110
Fernandina Beach, Florida 32305-1110


Joseph A. McGlothlin