

ORIGINAL
FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a Rate Increase
in Seminole County by SANLANDO UTILITIES
CORPORATION

DOCKET NO.)
930256-WS)
FILED:)
February 4, 1994

RESPONSE TO MOTION TO DISMISS AND ANSWER TO PETITIONS
AND
ALTERNATIVE MOTION TO AMEND

Comes now TRICIA A. MADDEN, as President of WEKIVA HUNT CLUB
COMMUNITY ASSOCIATION, INC., and Individually (hereinafter
Petitioners) by and through its undersigned attorneys and hereby
files the following response in opposition to Sanlando's (Sanlando)
Motion to Dismiss and Answer to Petitions and their Alternative
Motion to Amend:

1. The Petitioners have complied with Rules 25-22.036(7)(a)
and (f), Florida Administrative Code, by setting forth the elements
required thereby in their Petition. It should be noted that
unlike other portions of the applicable rules, Rule 25-
22.0037(7)(a) does not mandate that all of the elements stated
therein be set forth but merely directs that Petitions "should
contain" the elements set forth therein.

2. Sanlando argues that the Petitioners failed to allege a
sufficient substantial interest. Rule 25-0036(7) does not
specifically require that the substantial interest be alleged, but
merely requests a statement of how the substantial interest will be
affected. In fact the Petitioners alleged both of these elements
by stating that they would be forced to pay higher utility rates if
the company's conservation proposal was approved. Since the entire

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 1 _____
- LIN 4 _____
- OPC _____
- RCH _____
- SEC 1 _____
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE
01249 FEB-7 1994
FPSC-RECORDS/REPORTING

cost of this conservation proposal is being collected from the ratepayers, including these Petitioners, their interest in this proceeding is substantial indeed. The Commission should find that a ratepayer who is subject to a rate increase has a substantial interest in the outcome of the rate increase proceeding.

3. Sanlando also argues that the Petitioners have failed to allege disputed issues of fact and ultimate facts. Paragraph 5 provides for both of these elements by protesting the findings of Order No. PSC-93-1771-FOF-WS and then listing several of the facts in dispute. In this case a motion for more definite statement pursuant to Rule 25-22.037(2)(a) would be the appropriate method to address this issue, if it is to be addressed at all. In addition, until they have had an opportunity to engage in discovery the Petitioners are unable to determine all specific issues and ultimate facts in this case.

5. Finally, Sanlando alleges that the Petitioners failed to make a demand for relief. In fact, the Petitioners demanded that Order NO. PSC-93-1771-FOF-WS should not become final, and that they should be granted a Section 120.57(1), Florida Statutes, formal hearing where they can present testimony in opposition to the utility's proposed conservation program.

WHEREFORE, the Petitioners respectfully request the Commission to deny the utility's Motion to Dismiss and grant the Petitioners and the other ratepayers the Section 120.57(1), Florida Statutes, formal hearing they have requested. In the alternative, the Petitioners request that they be permitted to amend their Petition

as provided for by Rule 25-0036(8), Florida Administrative Code.

Respectfully submitted,



ROBERT L. TAYLOR, ESQ.
Curry, Taylor & Carls
1900 Summit Tower Blvd.,
Suite 800
Orlando, Florida 32810
(407) 660-1040
Florida Bar No. 149464
Attorneys for Tricia A. Madden,
as President of Wekiva Hunt Club
Community Association, Inc. and
Individually

**CERTIFICATE OF SERVICE
DOCKET NO. 930256-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing
has been furnished by U.S. Mail to the following parties on this
4th day of February, 1994.

JOHN F LOWNDES, ESQUIRE
Lowndes, Drosdick, Doster, Kantor
& Reed, P.A.
215 North Eola Drive
Orlando, FL 32801

MAGGIE O'SULLIVAN, ESQUIRE
Division of Legal Service
Florida Public Service
Commission
101 E. Gaines Street
Tallahassee, FL 32301

JACK R. HIATT
1816 Wingfield Drive
Longwood, FL 32779

ROBERT E. SWETT
106 Wyndham Court
Longwood, FL 32779


Robert L. Taylor, Esq.