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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Application for rate increase for Orange-Osceola Utilities, Inc. in Osceola County, and in Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Duval, Highlands, Lake, Lee, Marion, Martin, Nassau, Orange, Osceola, Pasco, Putnam, Seminole, St. Johns, St. Lucie, Volusia, and Washington Counties, by Southern States Utilities, Inc.

Docket No.: 950495-WS  
Filed: August 8, 1995

RECEIVED  
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PETITION OF HERNANDO COUNTY FOR LEAVE TO INTERVENE

HERNANDO COUNTY, a political subdivision of the State of Florida, by and through its undersigned attorney, pursuant to Section 120.53, Florida Statutes, and Rules 25-22.036(7)(a) and 25-22.039, Florida Administrative Code, petitions for leave to intervene in the above-styled proceeding and in support thereof states:

- 1. The name and address of Petitioner is as follows:

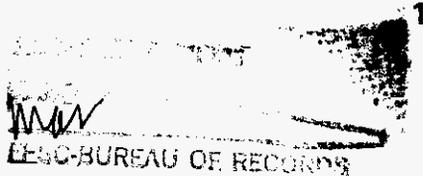
Hernando County  
20 N. Main Street, Rm. 462  
Brooksville, FL 34601-2850

Documents relating to this proceeding should be served on:

Robert Bruce Snow, Esq.  
20 N. Main Street, Rm. 462  
Brooksville, FL 34601-2850  
904-754-4122  
904-754-4477

- 2. HERNANDO COUNTY, is a political subdivision of the State of Florida with the power, authority, and duty to protect the general public health, safety, and welfare of residents of HERNANDO COUNTY, including residents of the Spring Hill Community, who receive their water and wastewater service from Southern States

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DOCUMENT NUMBER-DATE  
09941 OCT-95  
FPSC-RECORDS/REPORTING 2460

Utilities, Inc's, (**SSU**) Spring Hill water and wastewater plants, which are located solely in **HERNANDO COUNTY**, Florida.

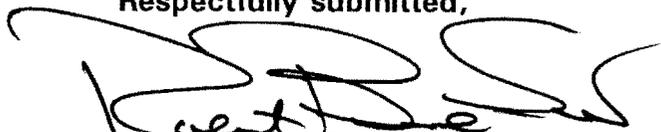
3. In the instant proceeding, **SSU** has requested a permanent increase in its annual revenues for water and wastewater service, and an interim revenue increase for the same serve. The Florida Public Service Commission (PSC) is vested with the statutory authority and the responsibility pursuant to Chapter 367, Florida Statutes, for setting "fair, just and reasonable" rates for its customers and for utilities subject to the PSC's jurisdiction. **SSU's** Amended and Restated rate Petition requests that the sought-after revenue increases be applied to numerous **SSU** systems in Florida, including the water and wastewater system serving residents of **HERNANDO COUNTY**. **HERNANDO COUNTY**, on April 5, 1994 adopted Resolution No. 94-77, a copy of which is attached as Exhibit "A", which said resolution removed **HERNANDO COUNTY** from the regulatory jurisdiction of the PSC pursuant to Section 367.171(1), Florida Statutes. Therefore, **HERNANDO COUNTY** is the proper regulatory authority over **SSU's** water and wastewater system located within **HERNANDO COUNTY** and the PSC's efforts to regulate water and wastewater systems within **HERNANDO COUNTY** is an infringement upon the constitutional and statutory authority and sovereignty of **HERNANDO COUNTY**. **HERNANDO COUNTY** has adopted a resolution pursuant to Section 120.52(12)(d), Florida Statutes, authorizing County representatives to represent the interests of customers of **SSU** within **HERNANDO COUNTY**. Accordingly, **HERNANDO COUNTY** is a "party" within the definition of Section 120.52(12), Florida Statutes, and **HERNANDO COUNTY** is entitled to the

status as a party in this proceeding.

4. **HERNANDO COUNTY** disputes the existence of PSC jurisdiction to either adjust **SSU's** revenue requirement for the Spring Hill Water and Wastewater System or to increase rates. **HERNANDO COUNTY** has the sole regulatory authority over rates of the Spring Hill system. **HERNANDO COUNTY** further disputes, among other material factual disputes that will be developed after **SSU** makes its complete and revised filing available to petitioner and its other customers, that **SSU's** legitimate used and useful rate base and reasonable and necessary expenses, when compared to the revenues derived from its current rates and the opportunity to earn a reasonable return on its capital, warrant any current increase in its revenues, either on a permanent or interim basis. **HERNANDO COUNTY** also disputes that state wide uniform rates for all of **SSU's** system, including the Spring Hill system, are authorized by the provisions of Chapter 367, Florida Statutes, or other provisions of law.

**WHEREFORE, HERNANDO COUNTY** requests that it be granted leave to intervene and be permitted to participate in this proceeding with full rights as a party.

Respectfully submitted,



Robert Bruce Snow  
FL Bar No. 134742  
Hernando County Attorney  
20 N. Main Street, Rm. 462  
Brooksville, FL 34601-2850  
904-754-4122

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing *Petition of Hernando County for Leave to Intervene*, has been sent by U.S. Regular Mail to the following on this 4<sup>th</sup> day of October 1995.



ROBERT BRUCE SNOW

### Service List:

**The Honorable Ginny Brown-Waite**

316 Senate Office Bldg.  
Tallahassee, FL 32399-1100

**Hillsborough County Board of County Commissioners**

Asst. County Attorney/Odom  
P.O. Box 1110  
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**Marco Island Fair Water Rate Defense Fund Committee**

Chairman  
P.O. Box 712  
Marco Island, FL 33969

**Office of Public Counsel**

c/o The Florida Legislature  
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**Orange-Osceola Utilities, Inc. (WS178)**

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Kissimmee, FL 34744-3812

**Rutledge Law Firm**

Kenneth Hoffman  
P.O. Box 551  
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**Southern States Utilities, Inc. (WS226)**

1000 Color Place  
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President

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