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FPSC-RECORDS / REPORTING REPLY TO: Tallahassee

November 16, 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: Docket No. 920199-WS

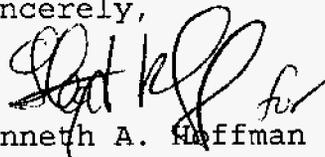
Dear Mr. Tribble:

Enclosed for filing in the above-referenced docket are the original and fifteen copies of Southern States Utilities, Inc.'s Response to Citrus County's Amended Request for Oral Argument.

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.

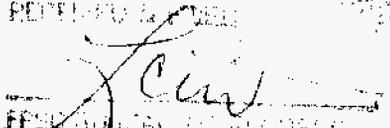
Sincerely,



Kenneth A. Hoffman

- ACK
- AFA 2
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 1
- LIN 1
- OPC _____
- RCH _____
- SEC 1
- WAS 1
- OTH _____

KAH/rl
Enclosures

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FPSC DIVISION OF RECORDS

DOCUMENT NUMBER-DATE
12340 NOV 16 93
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
11/17/93

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: November 16, 1993

**SOUTHERN STATES UTILITIES, INC.'S RESPONSE TO
CITRUS COUNTY'S AMENDED REQUEST FOR ORAL ARGUMENT**

Southern States Utilities, Inc. ("Southern States"), by and through its undersigned counsel, hereby responds to Citrus County's Amended Request for Oral Argument filed November 10, 1993 concerning Citrus County's Response in Opposition to Southern States' Motion to Vacate Automatic Stay and Motion for Reduced Interim Rates Pending Judicial Review for Recalculated Customer Bills, Refunds and Imposition of Penalties for Violating Automatic Stay. In support of its Response, Southern States states as follows:

1. On October 26, 1993, Citrus County filed its original Request for Oral Argument. Citrus County's original request for Oral Argument was legally deficient on its face as it failed to comply with the mandatory requirements of Rule 25-22.058(1), Florida Administrative Code.

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FILED RECORDS DEPARTMENT

2. On November 8, 1993, Southern States filed its Response to Citrus County's original Request for Oral Argument. Southern States requested the Commission to deny the original Request for Oral Argument based on the legal deficiency of the pleading.

3. On November 10, 1993, Citrus County filed its Amended Request for Oral Argument. Although titled as an "Amended Request for Oral Argument," the pleading is clearly and obviously a reply to the response filed by Southern States on November 8, 1993.

4. Citrus County defends its original request by stating that it simply "assumed the desirability, if not necessity" of oral argument and that such was self-evident.¹ The purported self-evident nature of Citrus County's faulty assumption is no substitute for compliance with Commission rules.

5. Citrus County once again makes representations on behalf of Southern States' customers whom it does not represent alleging that "a significant portion of Southern States' customers will be irreparably harmed by the continued implementation of the uniform rates."² Citrus County goes on to state that "the Commission should welcome, if not demand, the opportunity to question the utility on why it unilaterally violated the automatic stay."³

¹See paragraph 4 of Citrus County's Amended Request for Oral Argument.

²See paragraph 5 of Citrus County's Amended Request for Oral Argument.

³Id.

6. Southern States also must again emphasize that it did not violate any Commission rules or statutes in the implementation of the uniform rates. As fully discussed in Southern States' Response filed November 8, 1993 to Citrus County's Motion for Reduced Interim Rates Pending Judicial Review, etc., Citrus County's Amended Notice of Appeal was filed on October 12, 1993 - after the effective date of the uniform rates (September 15, 1993) and after the billing of the uniform rates by Southern States. In fact, as confirmed by the Affidavit of Karen L. Shofter, Southern States' Director of Rates, attached hereto as Exhibit A, Southern States had completed nearly fifty (50) billing cycles prior to the filing of Citrus County's Notice of Appeal on October 8, 1993 (as corrected on October 12, 1993). These billing cycles related to customers located in all but four (4) of the twenty-one (21) counties included in this proceeding.⁴ Apart from the fact that the Commission is required to vacate the stay "upon motion by the utility ... and the posting of good and sufficient bond or corporate undertaking,"⁵ a stay of the uniform rates would place Southern States and the great majority of its customers in a totally untenable position. Specifically, with respect to most of the systems at issue in this proceeding, customers would first see

⁴It also should be noted that Citrus County was on notice that Southern States had filed with the Commission proposed tariff pages reflecting the Commission authorized final rates as early as August 13, 1993. Citrus County did not seek a stay from the Commission or file a notice of appeal at that time, which would have been before the tariff pages were stamped and the rates were implemented and billed by Southern States.

⁵See Rule 25-22.061(3) (a), Florida Administrative Code.

lower rates in the form of the new uniform rates, then higher rates if the Commission authorized a stay pending appeal, then lower rates again if the Commission's decision is affirmed on appeal. This type of customer confusion can be avoided and should be avoided by vacating the stay as required by Commission Rule 25-22.061(3)(a).

WHEREFORE, Southern States respectfully request the Commission to enter an Order denying Citrus County's Amended Request for Oral Argument.

Respectfully submitted,



KENNETH A. HOREMAN, ESQUIRE
Messer, Vickers, Caparello,
Madsen, Lewis, Goldman & Metz, P.A.
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and

BRIAN P. ARMSTRONG, ESQUIRE
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703
(407) 880-0058

Attorneys for Southern States
Utilities, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Southern States Utilities, Inc.'s Response to Citrus County's Amended Request for Oral Argument was furnished by U. S. Mail and/or telecopier (*), this 16th day of November, 1993, to the following:

Harold McLean, Esq.
Office of Public Counsel
111 West Madison St. Room 812
Tallahassee, FL 32399-1400

Catherine Bedell, Esq.*
Florida Public Service
Commission
Div. of Legal Services, Rm. 212
101 East Gaines Street
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Susan W. Fox, Esq.
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Assistant Attorney General
Department of Legal Affairs
Room PL-01, The Capitol
Tallahassee, FL 32399-1050

Michael B. Twomey, Esq.
Route 28, Box 1264
Tallahassee, FL 32310


BY: KENNETH A. HOFFMAN, ESQ.

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)	Docket No. 920199-WS
Citrus, Nassau, Seminole, Osceola,)	Filed: November 16, 1993
Duval, Putnam, Charlotte, Lee)	
Lake, Orange, Marion, Volusia,)	
Martin, Clay, Brevard, Highlands,)	
Collier, Pasco, Hernando, and)	
Washington Counties.)	

AFFIDAVIT

Karen L. Shofner, Director of Rates for Southern States Utilities, Inc. ("Southern States"), submits this Affidavit in support of the "Response of Southern Utilities, Inc., to Citrus County's Motion for Reduced Interim Rates Pending Judicial Review, For Recalculated Customer Bills, Refunds and Imposition of Penalties for Violating Automatic Stay" and states the following under penalties of perjury:

1. Pursuant to Commission Order Number PSC-93-0423-FOF-WS issued on March 22, 1993, Southern States submitted tariff pages to the Commission reflecting the final rate authorized in such Order.
2. Commission Staff reviewed the tariff pages and, upon determining that the charges were consistent with the Commission's Order, approved the tariff pages and made them effective for service rendered on and after September 15th, 1993.
3. In reliance upon the Commission's Order, the Commission denial of reconsideration requests filed by parties to this docket attacking the lawfulness of the uniform rates authorized therein and the receipt of Commission authorization to implement the rates, Southern States took the following actions:

EXHIBIT A

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- a. modified its billing system for the one hundred twenty seven (127) systems included in this docket to provide for billing under the uniform rates;
- b. modified and implemented changes to the billing cycles to accommodate the change to monthly billing authorized in the Commissioner's Order;
- c. modified and implemented changes to meter reading schedules to accommodate the change to monthly billing;
- d. implemented changes to the billings mechanisms to reflect pro rata billing required under the Commission authorized uniform rates;
- e. began billing customers for service rendered on or after September 15th, 1993, at the uniform rates authorized in the Commissions' Order, including assessments under such rates for customers who disconnected their service on or after September 15th, 1993 to date; and
- f. other actions related to the foregoing.

4. Exhibit 1, attached hereto, confirms that Southern States had processed nearly fifty (50) billing cycles on or prior to the date Citrus County filed a notice of appeal (October 8, 1993 corrected on October 12, 1993 at which time more than fifty (50) billing cycles were complete). These billing cycles related to customers located in all but 4 of the 21 counties included in the proceeding. The only counties (systems) which were not billed prior to the filing of the notice of appeal were Charlotte/Lee (Burnt Store), Collier (Marco Shores), Martin (Fisherman's Haven, Fox Run and Lillani Heights) and Washington (Sunny Hills).

5. Southern States did not know on September 15, 1993 and could not foresee at that time whether or not an appeal of the Commission's Order would be filed by any party

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subsequent to the implementation of the Commission authorized uniform rates.

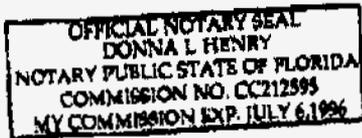
6. To my knowledge, rate subsidies exist under any utility rate structure in existence, including the interim rates previously authorized in the above referenced matter in Order Number PSC-92-0948-POF-WS (issued December 8, 1992).

7. It is logical to assume that there are customers served by every system included in this case who are on fixed incomes.

Karen L. Shofter

Karen L. Shofter

Sworn to and subscribed before me this 16th day of November, 1993, by Karen L. Shofter, who is personally known to me and did take an oath.



Donna L. Henry

Donna L. Henry
Notary Public, State of Florida at Large
My Commission Expires: 7-6-96
Commission Number: CC212515

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Exhibit 1 to
Shafter Affidavit

SYSTEMS BILLED BEFORE 10/08/93

<u>SYSTEM NAME</u>	<u>BILL DATE</u>
AMELIA ISLAND EXCLUDING BOOK 268	09/27/93
APACHE SHORES	09/29/93
BAY LAKE	10/08/93
BEACON HILLS	09/29/93
BEECHER'S POINT	09/27/93
CHULUOTA	10/01/93
CITRUS SPRINGS	09/28/93
CRYSTAL RIVER	09/27/93
DAETWYLER	10/01/93
DELTONA LAKES CYCLE 1	09/28/93
DELTONA LAKES CYCLE 2	09/28/93
DELTONA LAKES CYCLE 3	09/30/93
DELTONA LAKES CYCLE 4	10/08/93
GOLDEN TERRACE	09/29/93
HERMITS COVE	09/27/93
HOLIDAY HAVEN	09/27/93
HOLIDAY HEIGHTS	10/08/93
JUNGLE DEN	09/27/93
KEYSTONE HEIGHTS BOOKS 66 & 75	09/27/93
KINGSWOOD	09/29/93
LAKE CONWAY	10/01/93
LEISURE LAKES	09/29/93
MARION OAKS	09/28/93
MORNINGVIEW	10/08/93
OAKWOOD	09/29/93
FALISADES	10/08/93
PALM PORT	10/08/93
PALMS MOBILE HOMES	10/08/93
PARK MANOR	10/08/93
PICCIOLA ISLAND	10/08/93
PINE RIDGE	09/28/93
RIVER PARK	09/27/93
ROLLING GREEN	10/08/93
SALT SPRINGS	10/08/93
SAMIRA VILLAGE	10/08/93
SARATOGA HARBOUR	09/27/93
SILVER LAKES ESTATES	09/29/93
SOUTH 40	10/08/93
SPRING HILL CYCLE 5	09/30/93
SPRING HILL CYCLE 6	10/08/93
SPRING HILL CYCLE 7	10/07/93
STONE MOUNTAIN	10/08/93
SUGAR MILL	09/27/93
SUNSHINE PARKWAY	09/29/93
UNIVERSITY SHORES	09/27/93
WELAKA	09/27/93
WESTMONTE	10/01/93
WOOTEN	09/27/93
ZEPHYR SHORES	09/29/93

SYSTEMS BILLED BEFORE 10/12/93

<u>SYSTEM NAME</u>	<u>BILL DATE</u>
DELTONA LAKES CYCLE 5	10/12/93
SPRING HILL CYCLE 8	10/12/93

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