

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA

State of Florida



Blanca S. Bayó, Director
Division of Records and Reporting
(904) 413-6770

Public Service Commission

DATE: September 1, 1995
TO: Parties of Record
FROM: Blanca S. Bayó, Director *BSB*
Division of Records and Reporting
RE: Docket No. 950495-WS - Application for rate increase and increase in service availability charges by Southern States Utilities, Inc. for Orange-Osceola Utilities, Inc. in Osceola County, and in Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Duval Hernando, Highlands, Hillsborough, Lake, Lee, Marion, Martin, Nassau, Orange, Osceola, Pasco, Polk Putnam, Seminole, St. Johns, St. Lucie, Volusia and Washington Counties.

This is to inform you that Chairman Clark has reported the following communication in the above referenced docket:

- Letter from Senator Ginny Brown-Waite dated August 4, 1995.

Senator Brown-Waite's letter and Chairman Clark's reponse, copies of which are attached, is being made a part of the record in these proceedings. Pursuant to Section 350.042, F.S., any party who desires to respond to an ex parte communication may do so. The response must be received by the Commission within 10 days after receiving notice that the ex parte communication has been placed on the record.

BSB/cp

Attachments

cc: Rob Vandiver/w/letter

GUNTER BUILDING • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0870

An Affirmative Action/Equal Opportunity Employer

DOCUMENT NUMBER-DATE 296

08616 SEP-1 1995

FPSC-RECORDS/REPORTING

State of Florida

Susan F. Clark
Chairman



Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(904) 413-6040
FAX (904) 487-1716

Public Service Commission

August 16, 1995

The Honorable Ginny Brown-Waite
Senator, 10th District
The Florida Senate
County Office Building
20 North Main Street
Room 200
Brooksville, Florida 34601

Dear Senator Brown-Waite:

This is in response to your letter of August 4, 1995, in which you express your concerns about Southern States Utilities, Inc.'s most recent application for increased rates and charges (Docket No. 950495-WS).

In this proceeding, the Commission will hold 14 customer service hearings throughout Southern States' service territory. The Citrus County customer service hearing originally scheduled to be held in Inverness on August 24, 1995, has been rescheduled to January 24, 1996. A location for this hearing has not been established. Also, at the time I received your letter, the customer service hearing for Hernando County was scheduled to be held on September 11, 1995. The Commission decided at its August 15, 1995, Agenda Conference, to reschedule the hearing to a later date in order to allow the Spring Hill customers more time to examine the company's filing. I will make sure that you are notified as soon as dates, times and locations have been established for the these customer service hearings.

With respect to your concern about the availability of the utility's petition in local libraries, the Commission's rules require SSU to make copies available within 30 days of its official filing date. The staff has set the official filing date as August 2, 1995. Therefore, according to the Commission's rules, the utility would be required to have this information available by September 1, 1995. However, the utility indicated at the Commission's August 15, 1995, Agenda Conference, that this information would be available within 10 days.

At the August 15, 1995, Agenda Conference, the Commission expressed its belief that Southern States' filing should be

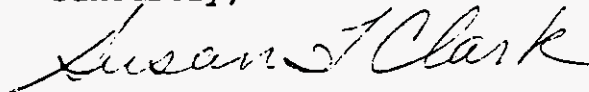
The Honorable Ginny Brown-Waite
August 16, 1995
Page 2

available to customers in advance of the customer service hearings. To this end, I will be reviewing the timing of other customer service hearings scheduled to occur in September to determine whether any of those hearings need to be rescheduled.

Your letter appears to indicate that you believe Commissioner Kiesling will be the only Commissioner hearing this case. This docket is assigned to all five Commissioners. Your confusion may stem from the fact that Commissioner Kiesling has been assigned as the Prehearing Officer for this case. Prehearing officers are assigned at random to Commission cases for the purpose of handling procedural matters arising prior to the hearing. Any party to a proceeding may request reconsideration by the full Commission of any order issued by a prehearing officer.

Since my previous letter to you, I have been informed by our legal counsel that the petition for review by the Supreme Court of the District Court of Appeal's decision regarding Southern States' previous rate case (Docket No. 920199-WS) does not act as a stay of the District Court of Appeal's decision. Please rest assured that the Commission will endeavor to address the Court's remand as soon as possible.

Sincerely,



Susan F. Clark
Chairman

c: Commissioners
Rob Vandiver, General Counsel
Division of Records and Reporting
Docket No. 950495-WS



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

95-0236 AUG 11

COMMITTEES:

Natural Resources,
Chairman
Executive Business, Ethics and Elections
Health Care
Transportation
Ways and Means,
Sub. B (Education)

JOINT COMMITTEE:

Advisory Council on Intergovernmental Relations,
Alternating Chairman

SENATOR GINNY BROWN-WAITE

10th District

August 4, 1995

RECEIVED

AUG 08 1995

Florida Public Service Comm.
Commissioner Clark

Susan Clark, Chairman
Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Dear Chairman Clark:

I read with interest the July PSC Newsletter highlighting several issues of importance to commission observers.

Ratepayers must be delighted to see that you have a new building (at a cost of over \$20 Million) which is described as State-of-the-Art. Certainly Florida's ratepayers are also delighted with the article describing your trip to testify on the Federal Government's nuclear disposal program. Your concern expressed in the quote that "utility ratepayers should not have to pay twice" (for disposal of nuclear fuel) was especially egalitarian!

Also included in the newsletter was a brief description of SSU's latest rate increase. How generous of the Public Service Commission to have pointed out to SSU that their original application of June 28, 1995 was deficient because it did not include SSU's systems in Hernando, Hillsborough and Polk Counties. Those counties are in various stages of having the Counties regulate the SSU rates for facilities within their county boundaries.

These facilities are not interconnected and are stand alone water and wastewater plants. They should be treated as such and regulated at the county level where such counties deem it appropriate. Currently that issue is before the District Court of Appeals at least for the Hernando County case.

Hernando and Citrus County residents are still waiting for the rebates from SSU when the 1st District Court of Appeals denied the request by the PSC AND SSU to reconsider the unconscionable rate increase of 1993. To further prove to customers your bias for the utility, the matter is now before the Florida Supreme Court. Instead of challenging the court decision, the Public Service Commission should be ordering SSU to refund the illegal rate hikes in 1993 to the people in Sugarmill Woods and Spring Hill.

REPLY TO:

7 County Office Building, 20 North Main Street, Room 200, Brooksville, Florida 34601 (904) 544-2344

7 316 Senate Office Building, Tallahassee, Florida 32399-1100 (904) 487-5040

1-800-94 WAITE

299

JAMES A. SCOTT
President

MALCOLM E. BEARD
President Pro Tempore

JOE BROWN
Secretary

WAYNE W. TODD, JR.
Sergeant at Arms

Page 2
Chairman Susan Clark
August 4, 1995

As I wrote a few weeks ago, the rate paying public has little or no confidence in the Florida Public Service Commission when it is so obviously pro utility. The PSC has a new building; some Spring Hill residents are being forced out of their homes by your ever escalating rate decisions. How nice of you to have expressed concern that rate payers not have to pay twice for nuclear plant waste disposal; my concerns are for the Sugarmill Woods and Spring Hill residents that are paying multiple times for facilities serving other SSU customers.

The newsletter mentions your public hearing schedule on the SSU rate increase request. I am alerting residents to 6 PM September 11th hearing in Spring Hill. As soon as you have the locations selected, please notify my office. I have been informed that the Inverness meeting originally scheduled for August 24th as been cancelled and is in the process of being rescheduled. Please also send information with a firm date, place and time for the Inverness hearing. As of this date, I have checked with the Hernando County Library system and they do not have any material on the rate case for residents to use. Therefore, I am asking that you reschedule the Spring Hill hearing until a later date to insure adequate public notice and the presence of residents who may still be vacationing in September.

I understand that Susan Kiesling has been the Commissioner assigned to the SSU Public Hearings. Having personally witnessed Ms. Kiesling speak against my bill to prohibit uniform rate making and her obvious prejudice toward SSU (including verbally attacking in a most unprofessional manner an attorney for the rate payers outside the Senate Chambers) I do not believe she is the best choice to "hear" the consumer's views. Some of the people who traveled from Citrus and Hernando Counties found her "lobbying" on behalf of SSU to be distasteful. Please assign another Commissioner who is unbiased to be at these public hearings.

Very truly yours,



Ginny Brown-Waite
State Senator District 10

GBW/jw