

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation Into the) DOCKET NO. 930880-WS
Appropriate Rate Structure for) ORDER NO. PSC-94-0309-FOF-WS
SOUTHERN STATES UTILITIES, INC.) ISSUED: March 17, 1994
for all Regulated Systems in)
Bradford, Brevard, Citrus, Clay,)
Collier, Duval, Hernando,)
Highlands, Lake, Lee/Charlotte,)
Marion, Martin, Nassau, Orange,)
Osceola, Pasco, Putnam,)
Seminole, St. Johns, St. Lucie,)
Volusia, and Washington)
Counties.)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

ORDER CLARIFYING POSSIBLE OUTCOMES OF THIS PROCEEDING
FOR SYSTEMS INVOLVED IN DOCKET NO. 920199-WS

BY THE COMMISSION:

BACKGROUND

At our September 28, 1993, Agenda Conference, on our own motion, we initiated an investigation to address the question of what rate structure is appropriate for Southern States Utilities, Inc. (SSU) on a prospective basis. In an effort to insure an orderly and efficient discovery process in the investigation, and to insure fairness in the administrative process, the Prehearing Officer, by Order No. PSC-93-1582-PCO-WS, issued October 29, 1993, directed our Staff and all of the parties to file a list of issues

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to be considered in this docket. By Order No. PSC-93-1795-PCO-WS, issued December 16, 1993, the Prehearing Officer, after reviewing all of the issues filed, set issues and revised dates for filing testimony and exhibits. The Prehearing Officer rejected those issues deemed to be irrelevant, inappropriate, or incorporated into concepts of other issues.

On December 27, 1993, Citrus and Hernando Counties, hereinafter referred to as "the Counties," timely filed a Motion for Reconsideration of Order No. PSC-93-1795-PCO-WS. On that same date, the Counties filed a Request for Oral Argument. On January 10, 1994, SSU timely filed a Response to the Motion for Reconsideration and Request for Oral Argument. We granted the Counties' Motion for Oral Argument and heard arguments from SSU and the Counties at our January 18, 1994, Agenda Conference. Order No. PSC-94-0176-FOF-WS, issued February 11, 1994, memorialized our decision to deny the Counties' Motion for Reconsideration and also to clarify the wording of the fourth issue in Order No. PSC-93-1795-PCO-WS. In that Order, we clarified that the fourth issue established by the Prehearing Officer should read as follows:

What is the appropriate rate structure and how should it be implemented?

In efforts to draft a notice for this proceeding to be sent to the customers of Southern States Utilities, Inc., our staff identified a point of confusion on the possible outcomes of this proceeding. Although we decided at our January 18, 1994, Agenda Conference, that we will not establish rates in this proceeding, it was apparently not clear whether we had retained the option to change the rate structure of the systems involved in Docket No. 920199-WS to a stand alone rate structure or to some other rate structure.

Therefore, we hereby clarify that we retain the option to change the rate structure of systems involved in Docket No. 920199-WS to any rate structure that we find appropriate based on the record in this proceeding. The rate structure may be changed from uniform rates to stand alone rates or to any other rate structure we find appropriate. We will not, however, change the rates of customers of any other systems in this proceeding, although the decisions we make in this proceeding regarding rate structure may, in subsequent proceedings, affect the rates of those other customers.

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Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the rate structure of systems involved in Docket No. 920199-WS may be changed to some other rate structure in this proceeding as set forth in the body of this Order.

By ORDER of the Florida Public Service Commission, this 17th day of March, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
SFS

by: Kay Hagan
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.