

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate) DOCKET NO. 950495-WS
increase and increase in service) ORDER NO. PSC-95-1499-PCO-WS
availability charges by Southern) ISSUED: December 5, 1995
States Utilities, Inc. 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.)

ORDER FINDING NOTICE OF SUCCESSOR PARTY
LEGALLY INSUFFICIENT

By petition filed August 16, 1995, the Marco Island Civic Association, Inc., (Marco Island), by and through its attorney, Michael B. Twomey, petitioned for leave to intervene in this proceeding. Marco Island stated that because the rate application of Southern States Utilities, Inc., (SSU) included a request for increased water and wastewater rates to its members, the substantial interests of its members will be affected by the proceeding. By Order No. PSC-95-1143-PCO-WS, issued September 14, 1995, the Commission found that Marco Island's substantial interests were affected in this proceeding and granted Marco Island intervention.

On September 19, 1995, Marco Island filed a Notice of Successor Party to Marco Island Civic Association, Inc. The notice states that Marco Island has become a member of a "larger, more inclusive organization formed for the purpose of representing the interests of the Marco Island customers of Southern States Utilities, Inc." The notice further states that the Marco Island Fair Water Rate Defense Fund Committee will take the place of Marco Island in this proceeding, and that parties should reflect the change in their filings. No responses to the notice were filed.

Marco Island was granted intervention based upon its demonstration that its substantial interests were affected by the proceedings. The notice of successor party purports to include a different party than the one granted intervention. The notice is insufficient because it does not request that the Marco Island Fair Water Rate Defense Fund Committee be granted intervention, nor does it demonstrate how that entity's substantial interests will be

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affected, as required by Rule 25-22.036, Florida Administrative Code. Therefore, the notice of successor party is legally insufficient. Until an appropriate petition is filed, the Marco Island Fair Water Rate Defense Fund Committee shall not be given intervenor status.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Notice of Successor Party to Marco Island Civic Association, Inc. is legally insufficient and parties are instructed not to change the identity of the intervenor, Marco Island Civic Association, at this time.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 5th day of December, 1995.



DIANE K. KIESLING, Commissioner and
Prehearing Officer

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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.