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September 15, 1995

**ORIGINAL  
FILE COPY**

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center  
Room 110  
Tallahassee, Florida 32399-0850

**HAND DELIVERY**

Re: Docket No. 950495-WS

Dear Ms. Bayo:

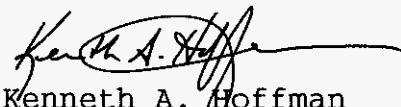
Enclosed herewith for filing in the above-referenced docket on behalf of Southern States Utilities, Inc. are the following documents:

1. Original and fifteen copies of Response of Southern States Utility, Inc. to Public Counsel's Third Motion to Compel and Motion to Postpone Date for Filing Intervenor Testimony;
2. Original and fifteen copies of Southern States Utilities, Inc.'s Response to the Office of Public Counsel's Second Motion to Dismiss; and
3. A disk in Word Perfect 6.0 containing a copy of the Response to the Second Motion to Dismiss entitled "Rate.2Dismiss".

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 3  
APP  
CAF  
CMU  
CTR  
EAG  
LEG 1  
LIN 5  
OFC  
RCH  
SEC  
JTH

KAH/rl  
cc: All Parties of Record

*Response*  
DOCUMENT NUMBER-DATE  
09140 SEP 15 95  
FPSC-RECORDS/REPORTING

*Motion Compel*  
DOCUMENT NUMBER-DATE  
09139 SEP 15 95  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by Southern States Utilities, Inc. for rate increase and increase in service availability charges 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.

Docket No. 950495-WS

Filed: September 15, 1995

**RESPONSE OF SOUTHERN STATES UTILITIES, INC.  
TO PUBLIC COUNSEL'S THIRD MOTION TO  
COMPEL AND MOTION TO POSTPONE DATE  
FOR FILING INTERVENOR TESTIMONY**

Southern States Utilities, Inc. ("SSU"), by and through its undersigned attorneys, responds to the above-referenced Motions of the Office of Public Counsel ("OPC") and states as follows:

1. Interrogatory No. 33: A complete copy of SSU's response to Interrogatory No. 33 is attached as Appendix A. Interrogatory No. 33 is an example of OPC's discovery which requested information which overlapped with other discovery requests. The information concerning SSU acquisitions of land from Lehigh Corporation is provided in SSU's response to OPC's Document Request No. 127 which has been served by UPS on even date herewith.

2. Interrogatory No. 55: OPC auditors on site at SSU's offices in Apopka during the week of September 5th were provided December, 1994 general entries which disclosed the recording of the gain on the sale of the Venice Gardens facilities in Sarasota County. These journal entries included nos. 16431, 16638, 16639,

511

DOCUMENT NUMBER-DATE

09139 SEP 15 95

FPSC-RECORDS/REPORTING

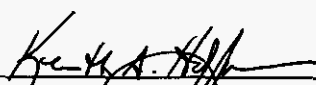
16640 and 16641. SSU's operations of the Venice Gardens facilities were regulated by Sarasota County and were never under PSC jurisdiction.

3. Document Request Nos. 90, 103 and 104: SSU's response to Document Request No. 106, which is the subject of this portion of OPC's Third Motion to Compel was served by UPS on September 5, 1995 -- three days before OPC's motion was filed. SSU maintains that the documents requested in OPC's Document Request Nos. 90, 103 and 104 were provided in the response to OPC Document Request No. 106.

4. OPC complains that allegedly "delayed" responses to a few of the many hundred of discovery requests (including subparts) already served on SSU impacts OPC's "ability to prepare testimony responding to SSU's case." The credibility of this suggestion is belied by the facts that (1) SSU has provided hundreds of responses (including subparts) to OPC steadily since August 18, 1995, many of which were provided prior to their due dates; (2) as always has occurred in the past, SSU informed OPC that documents that were either voluminous, unduly burdensome or costly to reproduce would be available on site at SSU's office in Apopka; and (3) OPC failed to appear in Apopka for approximately three (3) weeks after such notification. These actions hardly are consistent with a party concerned about its ability to meet a testimony filing deadline set for late November, 1995.

For the foregoing reasons, SSU requests that OPC's Third Motion to Compel and Third Motion to Postpone Filing of Intervenor Testimony be denied.

Respectfully submitted,

  
KENNETH A. HOFFMAN, ESQ.  
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Rutledge, Ecenia, Underwood,  
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and

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Response of Southern States Utilities, Inc. to Public Counsel's Third Motion to Compel and Motion to Postpone Date for Filing Intervenor Testimony was furnished by U. S. Mail to the following 15th day of September, 1995:

Lila Jaber, Esq.  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Gerald L. Gunter Building  
Room 370  
Tallahassee, FL 32399-0850

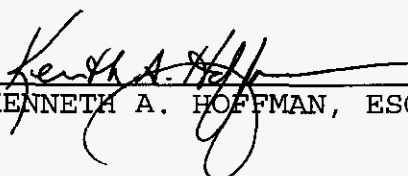
Mr. W. Allen Case  
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111 W. Madison Street  
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Michael B. Twomey, Esq.  
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Marco Island, FL 33937

Mr. Morty Miller  
President  
Spring Hill Civic Asso., Inc.  
P. O. Box 3092  
Spring Hill, FL 34606

  
KENNETH A. HOFFMAN, ESQ.

1995\rate.Third

SOUTHERN STATES UTILITIES, INC.  
DOCKET NO.: 950495-WS  
RESPONSE TO INTERROGATORIES

REQUESTED BY: OPC  
SET NO: 1  
INTERROGATORY NO: 33  
ISSUE DATE: 07/18/95  
WITNESS: JUDITH J. KIMBALL  
RESPONDENT: Judith J. Kimball

INTERROGATORY NO: 33

For any and all transfers and/or sales of parcels of land or assets to or from utility operations from non-related or related parties (former or present: parent company, affiliated company, or greater than 5% owners), please provide:

- (a) A description of and state the original cost of such land and/or assets.
- (b) The cost of any and all improvements to such land or assets, itemized by improvement.
- (c) The total sale and/or transfer price, and show in detail how it was determined.
- (d) The date of the sale and/or transfer.
- (e) The amount of gain or loss on such sale and/or transfer, and show in detail how it was calculated and indicate whether it was booked above or below the line for rate making purposes.

RESPONSE: 33

There have been no transfers and/or sales of parcels of land or assets by SSU to related parties since 1991 (date of prior rate case).

Transfers and/or sales of parcels of land or assets to non-related parties are addressed in the response to Citizens First Set of Interrogatories - Interrogatory No. 55.

*With respect to transfers and/or sales of parcels of land or assets from non-related parties, plant acquisitions have been addressed in Citizens First Set of Interrogatories - Interrogatory No. 13. Normal asset purchases and construction from third party vendors are extremely voluminous in nature and are available for review at the Company's Apopka office.*

Transfers and/or sales of parcels of land or assets from related parties to SSU would include those assets transferred to SSU from Lehigh Corporation (an affiliated party) pursuant to a July 6, 1992 Developers Agreement. The details of these projects and costs through December 31, 1994 are reflected on Appendix 33-A. All costs are actual costs and no gain or loss to the utility was calculated or appropriate under purchase accounting. The details of any subsequent improvements to these projects are available for review at the Apopka offices

APPENDIX A

SOUTHERN STATES UTILITIES  
 LISTING OF COMPLETED PROJECTS BY LEHIGH CORPORATION  
 AS OF 12-31-94

MO/YR	SYSTEM		WATER		SEWER	TOTALS
Jul-93	OAKWOOD - PHASE 1	MAINS SERVICES HYDRANTS	\$ 60,575.23 5,822.23 4,090.35	SEWERS (F) SEWERS (G) MANHOLES SERVICES PUMP EQUIP	\$ 12,906.43 95,484.19 21,273.55 10,295.91 48,038.39	
	TOTAL		\$ 70,487.81		\$ 187,998.47	\$ 258,486.28
Dec-94	BETHANY TRACE - PHASE 1A	MAINS SERVICES HYDRANTS	\$ 102,538.64 10,529.82 8,968.12	SEWERS (F) SEWERS (G) MANHOLES SERVICES STRUCT PUMP	\$ 16,828.12 183,943.03  32,398.64 56,952.74	
	TOTAL		\$ 122,036.58		\$ 290,122.53	\$ 412,159.11
Dec-94	OAKWOOD - PHASE 2	MAINS SERVICES HYDRANTS	\$ 74,915.91 18,750.03 11,016.17	SEWERS (F) SEWERS (G) MANHOLES SERVICES PUMP EQUIP	 116,709.99  32,336.23  	
	TOTAL		\$ 104,682.11		\$ 149,046.22	\$ 253,728.33
Dec-94	WEST MEADOWS - PHASE 1 & IV	MAINS SERVICES HYDRANTS	\$ 59,455.80 9,286.26 6,595.35	SEWERS (F) SEWERS (G) MANHOLES SERVICES PUMP EQUIP	 151,315.91  14,641.69  	
	TOTAL		\$ 75,337.41		\$ 165,957.60	\$ 241,295.01
Dec-94	ASTON GREENS - PHASE 1	MAINS SERVICES HYDRANTS	\$ 33,304.55 3,538.02 3,477.23	SEWERS (F) SEWERS (G) MANHOLES SERVICES PUMP EQUIP	 38,631.08  12,310.13  	
	TOTAL		\$ 40,319.80		\$ 50,941.21	\$ 91,261.01
Dec-94	MIRROR LK GOLF COURSE	MAINS SERVICES HYDRANTS	\$ 76,985.56 9,234.15 3,632.93	SEWERS (F) SEWERS (G) MANHOLES SERVICES STRUCT PUMP	\$ 41,057.52 81,946.93  26,975.85 50,633.27	
	TOTAL		\$ 89,852.64		\$ 200,613.57	\$ 290,466.21
Dec-94	LAKE CAMILLE	MAINS SERVICES HYDRANTS		SEWERS (F) SEWERS (G) MANHOLES SERVICES PUMP EQUIP	 48,602.02  2,085.42  	
	TOTAL		\$ -		\$ 50,687.44	\$ 50,687.44
	<b>GRAND TOTAL</b>		<b>\$ 502,716.35</b>		<b>\$ 1,095,367.04</b>	<b>\$ 1,598,083.39</b>