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February 23, 1996

HAND DELIVERY

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

Re: Docket No. 950495-WS

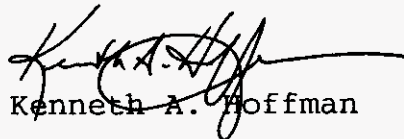
Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of the Southern States Utilities, Inc. ("SSU"), are the original and fifteen copies of SSU's Response to Motion for Assignment of All Dockets Involving SSU to the Division of Administrative Hearings.

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

ACI 3
AFA 3
APP _____
CAF _____ KAH/rl
CMU _____ cc: All Parties of Record
CTR _____ Trib. 3
EAG _____
LEG 1
LIN 5
OPC _____
RCI _____
SEC _____
WAS Willis
OTH _____

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02243 FEB 23 96

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, Highlands, Lake, Lee, Marion, Martin, Nassau, Orange, Osceola, Pasco, Polk, Putnam, Seminole, St. Johns, St. Lucie, Volusia and Washington Counties.

Docket No. 950495-WS

Filed: February 23, 1996

SSU'S RESPONSE TO MOTION FOR ASSIGNMENT OF ALL DOCKETS INVOLVING SSU TO THE DIVISION OF ADMINISTRATIVE HEARINGS

Southern States Utilities, Inc. ("SSU"), by and through its undersigned attorneys, hereby responds to the Motion for Assignment of All Dockets Involving SSU to the Division of Administrative Hearings filed by Sugarmill Woods Civic Association, Inc., the Marco Island Civic Association, Inc., Spring Hill Civic Association, Inc., the Concerned Citizens of Lehigh Acres and the Harbour Woods Civic Association (hereinafter referred to collectively as "Intervenors") and states as follows:

1. SSU does not believe there is any merit in the Intervenors' strained interpretation of letters from the Lieutenant Governor and the Secretary of Commerce.

2. SSU disputes Intervenor's characterization of the letters as ex parte communications. The letters were sent to Chairman Clark by the Lt. Governor and the Secretary of Commerce -- not by SSU. Although a lobbyist retained by SSU advised aides to the Lt. Governor and Secretary of Commerce to obtain information concerning

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FPSC-RECORDS/REPORTING

SSU from the Florida Public Service Commission -- the decisions as to whether to send the letters and the contents of the letters themselves were decisions which ultimately rested with and were made by the Lt. Governor and the Secretary of Commerce -- not SSU.

3. The letters contain no information relevant to this case. The letters state no position in support of or against any substantive issue or Commission action; the letters simply requested information concerning SSU.

4. The Intervenors' Motion makes no attempt to demonstrate that Intervenors have been prejudiced by virtue of the fact that the letters at issue were sent to and presumably reviewed by the Chairman. No such prejudice exists nor could it arise as a result of the information sought pursuant to the letters. The Intervenors have alleged only that "a heavy shadow has been cast over these proceeding...."¹ Indeed, Intervenors admit that "[n]o 'evidence' of any kind has been heard by any Commissioner in this case, let alone all of them."²

5. SSU disputes the numerous unfounded allegations and characterizations in the Motion³ and emphasizes that the issues to be decided in this proceeding must be decided based on sworn testimony provided under oath.

6. Contrary to the misleading interpretation being carried out by counsel for Intervenors, SSU points out that in a report on

¹Intervenors' Motion, at ¶ 21.

²Id., at ¶ 22.

³See, e.g., Id., at ¶ 20.

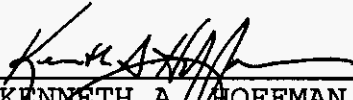
January 16, 1996 to the Hernando County Board of County Commissioners, which is no longer represented by Intervenor's counsel, the Hernando County attorney provided his interpretation of the Lieutenant Governor and Secretary of Commerce letters as follows:

"I don't think the letters were intended directly to try to influence the Public Service Commission."

This appears to SSU to be the only reasonable explanation of the requests for information from the Lieutenant Governor and Secretary of Commerce.

7. Although SSU disputes the facts and characterizations in the Motion, SSU does not object to the transfer of this proceeding to the Division of Administrative Hearings so long as there is no further delay in this proceeding.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of SSU's Response to Motion for Assignment of All Dockets Involving SSU to the Division of Administrative Hearings was furnished by U. S. Mail to the following on this 23rd day of February, 1996:

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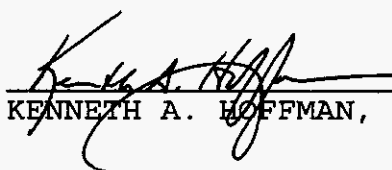
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