

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 27, 1996

ORIGINAL FILE COPY

SSU'S AMENDED RESPONSE TO CITRUS COUNTY'S PETITION FOR LEAVE TO INTERVENE

Southern States Utilities, Inc. ("SSU"), by and through its counsel, hereby files its Amended Response to the Petition for Leave to Intervene filed by Citrus County. SSU amends the Response filed on February 26, 1996 to add the beginning language of subsection 120.52(12)(d), Florida Statutes, which was inadvertently omitted from the quote in paragraph three of the February 26 Response. In support of its Amended Response to Citrus County's Petition for Leave to Intervene, SSU states as follows:

1. SSU does not object to Citrus County's intervention on the ground that Citrus County is a customer of SSU; however, Citrus County's standing to participate in this proceeding should be limited to its status and standing as a customer of SSU -- not as a representative of the citizens of Citrus County who are customers of SSU.

2. Citrus County's allegation that it is entitled to participate in this proceeding on the basis that the "substantial interests of a great many of its citizens will be affected by the

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outcome of the proceeding" is insufficient as a matter of law, and Citrus County cannot be granted party status on the basis of this allegation.

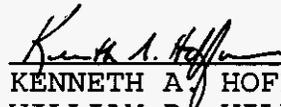
3. Citrus County lacks standing to participate in this proceeding on behalf of other customers of SSU who reside in Citrus County. Citrus County has offered no legal authority in its Petition for Leave to Intervene in support of such standing. Indeed, Section 120.52(12)(d), Florida Statutes, is very clear that the County may only appear in this proceeding on behalf of SSU customers who reside in Citrus County if the following requirements are met:

(d) Any county representative, agency, department, or unit funded and authorized by state statute or county ordinance to represent the interests of the consumers of a county, when the proceeding involves the substantial interests of a significant number of residents of the county and the board of county commissioners has, by resolution, authorized the representative, agency, department, or unit to represent the class of interested persons. The authorizing resolution shall apply to a specific proceeding and to appeals and ancillary proceedings thereto....

4. Citrus County has failed to allege compliance with Section 120.52(12)(d), Florida Statutes, including the attachment of the statutorily required resolution of the Citrus County Board of County Commissioners authorizing the County to represent all SSU customers residing in Citrus County in this proceeding. The County has failed to meet the statutory predicate for appearing in this proceeding on behalf of SSU customers who reside in Citrus County.

WHEREFORE, SSU requests that Citrus County's intervention and party status in this proceeding be limited to its status as a customer of SSU and not as a representative of SSU customers who reside in Citrus County.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of SSU's Amended Response to Citrus County's Petition for Leave to Intervene was furnished by U. S. Mail to the following on this 27th day of February, 1996:

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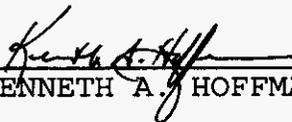
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