HOPPING GREEN SAMS & SMITH

PROFESSIONAL ASSOCIATION

ATTORNEYS AND COUNSELORS
123 SOUTH CALHOUN STREET

POST OFFICE BOX 6526

TALLAHASSEE, FLORIDA 32314

(904) 222-7500

FAX (904) 224-8551

FAX (904) 425-3415

T. KENT WETHERELL, II

OF COUNSEL W. ROBERT FOKES

Writer's Direct Dial No. (904) 425-2313

May 30, 1997

BY HAND DELIVERY

JAMES S. ALVES

BRIAN H. BIBEAU

RALPH A. DEMEO

THOMAS M. DEROSE

FRANK E. MATTHEWS RICHARD D. MELSON

WILLIAM D. PRESTON

CAROLYN S. RAEPPLE DOUGLAS S. ROBERTS GARY P. SAMS

ROBERT P. SMITH CHERYL G. STUART

MICHAEL P. PETROVICH DAVID L. POWELL

WILLIAM H. GREEN WADE L. HOPPING

KATHLEEN BLIZZARD

ELIZABETH C. BOWMAN

RICHARD S. BRIGHTMAN

PETER C. CUNNINGHAM

Ms. Blanca S. Bayó Director, Records & Reporting Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re: Lake Utility Services, Inc.

Docket No. 96044-WU

Dear Ms. Bayó:

Enclosed for filing on behalf of Lake Utility Services, Inc. in the above referenced docket are the original and 15 copies of its Petition on Proposed Agency Action.

If you have any questions regarding this filing, please call.

ACK

AFA

APP

CAF RDM/cc

CMU Enclosures

CTR cc: Tim Vaccaro

EAG

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RECEIVED & FILED

SEC WAS LILLY EPSC-BUREAU OF RECORDS

Very truly yours,

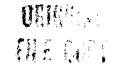
Richard D. Melson

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION



In re: Application for rate)				
increase and for increase in)	Docket	No.	96044	4 -WU
service availability charges in)				
Lake County by Lake Utility)	Filed:	May	30, 1	997
Services, Inc.)				
)				

LAKE UTILITY SERVICES, INC.'S PETITION ON PROPOSED AGENCY ACTION

Lake Utility Services, Inc. (LUSI) hereby files its Petition on Proposed Agency Action to protest portions of Order No. PSC-97-0531-FOF-WU (PAA Order) entered in this docket on May 9, 1997 and to request a hearing on those portions of that Order. As grounds for its protest and request for hearing, LUSI states:

- 1. LUSI is the applicant in this proceeding and a party to this docket. LUSI's substantial interests are affected by the PAA Order, because that order proposes to establish rates and service availability charges for LUSI's water systems in Lake County, Florida. LUSI submits that the rates proposed in the PAA Order are insufficient to provide the utility with an opportunity to earn a fair rate of return on its investment in property used and useful in the public service and that the service availability charges proposed in the PAA Order are not just and reasonable.
- 2. Counsel for LUSI received a copy of the PAA Order from the Commission on or about May 10, 1997.
- 3. The portions of the PAA Order which LUSI protests are: (a) the proposed findings with regard to the utility's quality of service;

DOCUMENT NUMBER-DATE

- (b) the proposed determination of the amount of utility plant in service;
- (c) the proposed determination of the amount of nonused and useful plant;
- (d) the proposed determination of the amount of contributions-in-aid-of-construction to be deducted from rate base;
- (e) the proposed determination of rate case expense, which assumed that there was no protest to the PAA Order;
- (f) the proposed determination of fall-out issues, including margin reserve, depreciation, accumulated depreciation, amortization, accumulated amortization, revenue requirement and monthly rates, to the extent they are affected by each of the items identified in subparagraphs (a) through (e); and
 - (g) the proposed service availability charges.
- 4. The following are the issues of material fact which LUSI believes are in dispute, and the ultimate facts alleged:
- (a) Is LUSI's quality of service is satisfactory? The utility submits that its quality of service is good. The characterization that the utility's service is "marginal at best" is inaccurate.
- (b) What is the appropriate amount of utility plant in service? The appropriate amount of utility plant in service should be calculated without the negative adjustments made in the PAA Order that were attributed to the lack of supporting documentation.

- (c) What is the appropriate amount of non-used and useful plant? The appropriate amount of non-used and useful plant should include all interconnecting transmission mains as 100% used and useful. Additionally, the used and useful methodology should not result in the interconnected system having a dollar amount of used and useful plant which is lower than the sum of the dollar amounts of used and useful plant for the individual systems before they were interconnected.
- (d) What is the appropriate amount of contributions-in aid-of-construction to be deducted from rate base? In determining the appropriate amount of CIAC to be deducted from rate base, the gross amount of property CIAC should be adjusted to exclude property classified as "non-used and useful" plant.
- (e) What is the appropriate amount of rate case expense? The appropriate amount of rate case expense will include all amounts reasonably incurred through the entry of a final order in this proceeding.
- (f) What are the appropriate margin reserve, depreciation, accumulated depreciation, accumulated amortization, revenue requirement and monthly rates? The appropriate values for these items will be a fall-out from the determination of the previous issues, together with the portions of the PAA Order which have not been protested. The appropriate monthly rates should be designed to recover the utility's revenue requirement, taking into account the repression adjustment proposed in the PAA Order.

- (g) What are the appropriate service availability charges? The appropriate service availability charges should be calculated on a basis that is consistent with the determinations on items (a) through (f) above.
- 5. LUSI is entitled to relief under Chapters 120 and 367, Florida Statutes and Chapters 25-22 and 25-30, Florida Administrative Code.

WHEREFORE, LUSI requests that the Commission:

- (a) hold a formal hearing pursuant to Section 120.57 and Chapter 367, Florida Statutes, on the portions of the PAA order which are the subject of this protest;
- (b) based on the record of such proceeding, set monthly rates which will allow the utility the opportunity to earn a fair rate of return on its investment in property used and useful in the public service;
- (c) based on the record of such proceeding, set service availability charges which are fair and reasonable; and
- (d) grant such other and further relief as the Commission deems appropriate.

RESPECTFULLY SUBMITTED this 30th day of May, 1997.

HOPPING GREEN SAMS & SMITH, P.A.

Ву:

Richard D. Melson P.O. Box 6526

Tallahassee, FL 32314

Attorneys for Lake Utility Services, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following by hand delivery this 30th day of May, 1997.

Tim Vaccaro Division of Legal Services, Room 370 Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399

Pre O. ra
Attorney