

ORIGINAL

LAW OFFICES

McWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, RIEF & BAKAS, P.A.

100 NORTH TAMPA STREET, SUITE 2800
TAMPA, FLORIDA 33602-5126

MAILING ADDRESS: TAMPA
P.O. BOX 3350, TAMPA, FLORIDA 33601-3350

TELEPHONE (813) 224-0866

FAX (813) 221-1854

CABLE GRANDLAW

PLEASE REPLY TO:
TALLAHASSEE

TALLAHASSEE OFFICE
117 S. GADSDEN
TALLAHASSEE, FLORIDA 32301

TELEPHONE (850) 222-2525
FAX (850) 222-5606

LYNWOOD F. ARNOLD, JR.
JOHN W. BAKAS, JR.
C. THOMAS DAVIDSON
STEPHEN O. DECKER
LINDA E. JORGE
VICKI GORDON KAUFMAN
JOSEPH A. MCGLOTHLIN
JOHN W. MCWHIRTER, JR.
RICHARD W. REEVES
FRANK J. RIEF, III
DAVID W. STEEN
PAUL A. STRASKE

December 4, 1997

HAND-DELIVERED

Blanca S. Bayo, Director
Division of Records and Reporting
Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870

Re: Docket No. 920199-WS

Dear Ms. Bayo:

Enclosed for filing are the original and 15 copies of Sugar Mill Country Club, Inc.'s Petition for Leave to Intervene in the above docket.

Please acknowledge receipt of the above on the extra copy enclosed herein and return it to me. Thank you for your assistance.

Sincerely,

Joseph A. McGlothlin

ACK ✓
AFA 4
APP _____
CAF _____
CMU _____
CTR _____ JAM/jg
EAG _____
LEG 2 Enclosures
LIN 5
OPC _____
RCH _____
SEC 1
THAS
JTH

RECEIVED & FILED
FPCO IN CHIEF OF RECORDS

DOCUMENT NUMBER-DATE

12427 DEC-4 004925

FPCO RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate)
 increase in Brevard, Charlotte/)
 Lee, Citrus, Clay, Duval,)
 Highlands, Lake, Marion, Martin,)
 Nassau, Orange, Osceola, Pasco,)
 Putnam, Seminole, Volusia, and)
 Washington Counties by SOUTHERN)
 STATES UTILITIES INC.; Collier)
 County by MARCO SHORES)
 UTILITIES (Deltona); Hernando)
 County by SPRING HILL UTILITIES)
 (Deltona); and Volusia County)
 by DELTONA LAKES UTILITIES)
 (Deltona))

Docket No. 920199-WS

Filed: December 4, 1997

PETITION FOR LEAVE TO INTERVENE

Pursuant to Rules 25-22.039 and 25-22.036(7)(a), Florida Administrative Code, SUGAR MILL COUNTRY CLUB, INC., by and through its undersigned attorney, petitions for leave to intervene in this docket as a full party, and in support states:

1. The full name and address of Petitioner:

Sugar Mill Country Club, Inc.
 100 Club House Circle
 New Smyrna Beach, Florida 32168

2. The name and address of the individuals who should receive copies of notices, pleadings and orders:

Sandy Lounsbury
 Sugar Mill Country Club, Inc.
 100 Club House Circle
 New Smyrna Beach, Florida 32168

Joseph A. McGlothlin
 Vicki Gordon Kaufman
 McWhirter, Reeves, McGlothlin,
 Davidson, Rief & Bakas, P.A.
 117 South Gadsden Street
 Tallahassee, Florida 32301

DOCUMENT NUMBER-DATE

12427 DEC-48

7399

FPC-100-897 REPORTING

Statement of How Petitioner's Substantial Interests Will Be Affected:

3. Sugar Mill Country Club, Inc. is a customer of Florida Water Services Corporation (formerly Southern States Utilities). In this docket, the Commission is considering several optional courses available to it upon remand from the First District Court of Appeal. One option under consideration involves ordering a refund to some customers, to be funded by a surcharge on others. The amount of the potential surcharge that would be imposed on Sugar Mill Country Club, Inc. under such a scenario would be extraordinary and onerous. Currently, the total annual bill for service is approximately \$25,000. Recently, Florida Water Services provided Petitioner with information concerning the surcharge that would be associated with one of the four meters used to measure Petitioner's usage. Based on that information, Petitioner estimates that if a refund/surcharge is ordered, it would be required to pay a total surcharge of \$15,000 - \$20,000. Petitioner's operations are funded on a break-even basis by dues paid by certain residents of the Sugar Mill community, who are also customers of Florida Water Service. If Petitioner is required to pay a surcharge of \$15,000 - \$20,000, it will be forced to increase dues and its members will effectively be required to pay two surcharges.


Ultimate Facts Alleged:

4. Sugar Mill Country Club, Inc.'s position is that, given all of the circumstances, imposing a surcharge in this situation would be inequitable and unreasonable. The Commission should implement neither a refund nor a surcharge. Instead, the final rate structure should take effect prospectively.

Adoption of Brief:

5. Sugar Mill Country Club, Inc. adopts the brief submitted on November 5, 1997, by Marion Oaks Civic Association and the City of Keystone Heights.

WHEREFORE, Sugar Mill Country Club, Inc. requests the Commission to enter an order authorizing it to intervene as a full party.



Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 222-2525

Attorneys for Petitioner,
Sugar Mill Country Club, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of **Sugar Mill Country Club, Inc.'s** foregoing **Petition For Leave to Intervene** has been served by U.S. Mail or hand-delivery* to the following on this **4th** day of **December, 1997**:

Lila Jaber*
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Room 370G
Tallahassee, Florida 32399-0850

Arthur J. England, Jr.
Greenberg, Traurig, Hoffman,
Lipoff, Rosen & Quentel, P.A.
1221 Brickell Avenue
Miami, Florida 33131

Brian P. Armstrong
Matthew Feil
Florida Water Services Corporation
General Offices
1000 Color Place
Apopka, Florida 32703

Kenneth A. Hoffman
William B. Willingham
Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
215 South Monroe Street, Suite 420
Post Office Box 551
Tallahassee, Florida 32302

Kjell W. Petersen, Director
Marco Island Civic Association
418 South Barfield Drive
Marco Island, Florida 33937-5142

Russell D. Castleberry
County Attorney
Putnam County
Post Office Box 758
Palatka, Florida 32178-0758

Harry C. Jones, P.E., President
Cypress & Oak Villages Association
91 Cypress Boulevard, West
Homasassa, Florida 32646

Michael B. Twomey
Post Office Box 5256
Tallahassee, Florida 32314-5256

Darol H. N. Carr
David Holmes
Farr, Farr, Emerich, Sifrit,
Hackett & Carr, P.A.
2315 Aaron Street
Post Office Box 2159
Port Charlotte, Florida 33949

Susan W. Fox
MacFarlane, Ferguson & McMullen
Post Office Box 1531
Tampa, Florida 33601

Larry M. Haag
County Attorney
111 West Main Street, Suite B
Inverness, Florida 33450-4882

Michael S. Mullin
Post Office Box 1563
Fernandina Beach, Florida 32304

Charles J. Beck
Deputy Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

Arthur I. Jacobs
Post Office Box 1110
Fernandina Beach, Florida 32305-1110

Charles R. Forman
320 Northwest Third Avenue
Ocala, Florida 34475



Joseph A. McGlothlin