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RECORDS AND  
REPORTING

March 26, 2001

Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

RE: Docket No. 950387-WS

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Citizens' Response to Florida Cities Water Company's Motion for Extension of Time in Which to Make the Rate Refund as Required by Order No. PSC-99-0691-FOF-SU for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Stephen C. Reilly  
Associate Public Counsel

SCR/dsb  
Enclosures

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
03829 MAR 26 2001  
FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for )  
a rate increase for North Ft. )  
Myers Division in Lee County )  
by Florida Cities Water )  
Company - Lee County Division )  
\_\_\_\_\_ )

Docket No. 950387-WS

Filed: March 26, 2001

**CITIZENS' RESPONSE TO FLORIDA CITIES WATER  
COMPANY'S MOTION FOR EXTENSION OF TIME  
IN WHICH TO MAKE THE RATE REFUND AS REQUIRED BY  
ORDER NO. PSC-99-0691-FOF-SU**

The Citizens of the State of Florida, ("Citizens") by and through their undersigned attorney, file this response to Florida Cities Water Company's ("FCWC", "Utility" or "Company") Motion for Extension of Time in which to make the Rate Refund as Required by Order No. PSC-99-0691-FOF-SU, and state:

1. On February 14, 2001, FCWC filed in this docket a Motion to Approve Refund Methodology which addresses the specific methodology to be used in effecting the refund required by Order No. PSC-99-0691-FOF-SU.
2. Order No. PSC-99-0691-FOF-SU requires that FCWC make the refund by March 22, 2001.
3. The Staff Recommendation on FCWC's Motion to Approve Refund Methodology will be heard by the Commission at its April 3, 2001 agenda conference, which is after the March 22, 2001 date set forth in Order No. PSC-99-0691-FOF-SU.

DOCUMENT NUMBER-DATE

03829 MAR 26 2001

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4. On March 13, 2001 FCWC filed a motion with the Commission requesting it be granted an extension of time in which to make the rate refund as required by Order No. PSC-99-0691-FOF-SU. In its motion FCWC requested an extension of 60 days after the date of issuance of the Commission's order approving the methodology to be used to implement the refund. With usually 20 days to issue an order after the Commission's decision, the Utility really seeks about 80 days to effect the refunds.

5. While an extension of time needs to be granted to FCWC, the amount of time requested by FCWC is not reasonable. FCWC has been overcharging the ratepayers the excessive interim rates since December 1995. It is very important to return these overcharges plus interest to the ratepayers as quickly as possible. With most of the information already available to the Utility and the process to compute the refund not being unduly complicated, the Commission should not grant an extension of time greater than 30 days after the issuance of the order, which is about 50 days after the Commission determines the refund methodology.

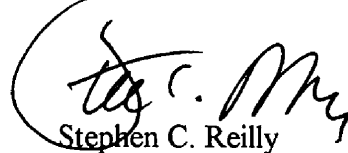
6. The Staff also apparently believes that any extension should not exceed 30 days after the issuance of the Order. In its recommendation filed March 22, 2001, the Staff states that FCWC should “. . . complete the mailing of the refund checks to current customers within 30 days of the issuance date of the order, . . .”

WHEREFORE, the Citizens respectfully request the Commission to deny FCWC's motion to grant it an extension of 60 days from the date of issuance of the Commission's Order on refund methodology within which to mail the refund checks to customers. Further, the Citizens respectfully

request that any extension of time granted to FCWC to mail refund checks to customers should not be for more than 30 days after the date of issuance of the order approving the refund methodology.

Respectfully submitted,

JACK SHREVE  
Public Counsel

A handwritten signature in black ink, appearing to read "Stephen C. Reilly", is written over a circular stamp or seal that is partially obscured.

Stephen C. Reilly  
Associate Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
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Tallahassee, FL 32399-1400

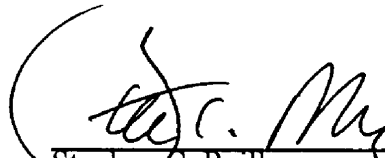
Attorney for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 950387-SU**

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. mail  
or \*hand-delivery to the following parties on this 26th day of March, 2001.

Kathryn G.W. Cowdery, Esquire  
Ruden, McClosky, Smith,  
Schuster & Russell, P.A.  
215 S. Monroe Street, Suite 815  
Tallahassee, FL 32301

Ralph Jaeger, Esquire\*  
Division of Legal Services  
Florida Public Service Commission  
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\_\_\_\_\_  
Stephen C. Reilly  
Associate Public Counsel