

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation Into) DOCKET NO. 930945-WS
Florida Public Service) ORDER NO. PSC-94-1181-PCO-WS
Commission Jurisdiction Over) ISSUED: September 27, 1994
SOUTHERN STATES UTILITIES, INC.)
in Florida.)
_____)

ORDER GRANTING PETITION TO INTERVENE

BY THE COMMISSION:

On September 8, 1994, Polk County, by and through its attorney, Timothy F. Campbell, filed a Petition for Leave to Intervene in the above-referenced docket. In support of its Petition, Polk County states that it is entitled to continue to participate in this proceeding since the substantial interests of Polk County are subject to determination or will be affected through the proceeding. Polk County particularly alleges that a determination that Southern States Utilities, Inc., is under the exclusive jurisdiction of the Florida Public Service Commission would eliminate all local control and regulation of the Utility within Polk County by the Polk County Board of County Commissioners and violate the provisions of the franchise agreement granted by Polk County to Southern States Utilities, Inc.; would severely curtail the opportunity of Polk County citizens to participate in the ratemaking process and subject those Polk County citizens in the Utility's franchise area to higher rates; would diminish Polk County's ability to exercise growth management decisions within the County's jurisdiction; and would represent an interference with existing contractual obligations between Polk County and Southern States Utilities, Inc. No one has filed a response in opposition to the Petition.

Pursuant to Rules 25-22.039 and 25-22.036(7)(a), Florida Administrative Code, we find that Polk County's substantial interests may be affected by the outcome of this proceeding. Therefore, Polk County's Petition for Leave to Intervene is hereby granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Polk County, as intervenor, takes this case as it finds it.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the Petition to Intervene, filed by Polk County, is hereby granted. It is further

DOCUMENT NUMBER-DATE

09901 SEP 27 94

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ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents that are hereinafter filed in this proceeding, to Timothy F. Campbell, Assistant County Attorney, Polk County, Florida, Post Office Box 60, Bartow, Florida, 33831.

By ORDER of the Florida Public Service Commission, this 27th day of September, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Jeyan
Chief, Bureau of Records

(S E A L)

CJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.