



JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400
904-488-9330

ORIGINAL
FILE COPY

July 24, 1992

Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Docket No. 920199-WS

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are the original and 15 copies of Citizens' Motion to Strike Testimony Request for Oral Argument.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

sincerely,

Harold McLean
Associate Public Counsel

- ACK
- AFA 3
- APP
- CAF
- CMU
- CTR
- EAG
- LEG 14/10
- LIN 4
- CFO
- RCH
- SFC 1
- WAS
- OTH

RECEIVED
16
OFFICE OF RECORDS

DOCUMENT NUMBER-DATE
08197 JUL 24 1992
FPSC-RECORDS/REPORTS

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: July 24, 1992

MOTION TO STRIKE TESTIMONY
REQUEST FOR ORAL ARGUMENT

Come now the Citizens of the State of Florida, by and through JACK SHREVE, Public Counsel, (Citizens) and move to strike certain testimony filed by the above captioned utilities (SSU) and as grounds therefore say:

1. On July 10, 1992, the Citizens received a volume of data from SSU characterized as minimum filing requirements, none of which resembled prefiled testimony;
2. On July 10, 1992, the Commission found in order PSC-92-0638-PCO-WS, that SSU had completed its minimum filing requirements as of June 17, 1992, and established the June date as the official date of filing;

3. On July 22, 1992, the Citizens received documents from SSU which are characterized as prefiled testimony;

4. Rule 25-30.430(3)(a), Florida Administrative Code provides:

(3) In the test year approval letter the Commission Chairman may advise whether or not prepared testimony in support of the utility's application will be required to be filed as part of the minimum filing requirements.

(a) Prepared testimony will be required, as part of the minimum filing requirements, for all cases anticipated to require a formal hearing, rather than a proposed agency action process.

Rule 25-30.430(3)(a), Florida Administrative Code requires simultaneous filing of testimony as part of the minimum filing requirements where a formal hearing is anticipated;

5. A formal hearing is anticipated in this case: a request for formal hearing was indeed part of the minimum filing requirements; and SSU purportedly required the commission to set this case for formal hearing;

6. The commission has neither waived the provisions of Rule 25-30.430(3)(a), Florida Administrative Code, nor has it afforded the Citizens a point of entry into the administrative process to participate in any proceeding in which it could be waived;

7. The testimony received by the Citizens on July 22, 1992 is more than thirty days late;

8. Responding to testimony which is more than thirty days late works an undue prejudice upon the Citizens.

WHEREFORE, the Citizens move the testimony submitted by SSU stricken as untimely, and the Citizens request Oral Argument in this Motion.

Respectfully submitted,



Harold McLean
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Attorney for the Citizens
of the State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 920199-WS**

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 24th day of July, 1992.

Ken Hoffman
Messer, Vickers, Caparello,
Madsen, Lewis, Goldman & Metz
215 S. Monroe St., Suite 701
P.O. Box 1876
Tallahassee, FL 32302-1876

Mat Feil
Division of Legal Services
Fla. Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

Chuck Hill
Division of Water & Sewer
Fla. Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

Brian Armstrong
Southern States Utilities
General Offices
1000 Color Place
Apopka, FL 32703



Harold McLean
Associate Public Counsel