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ORIGINAL
FILE COPY

REPLY TO: Tallahassee

September 1, 1992

HAND DELIVERY

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

Re: FPSC Docket No. 920199-WS

Dear Mr. Tribble:

Enclosed herewith for filing in the above-referenced docket are the original and fifteen copies of Southern States' Response to Public Counsel's Petition for Full Commission Assignment.

ACK Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

APP _____ Thank you for your assistance with this filing.

CAF _____

CMU _____

CTC _____

EAG _____

ELG 1 4/12

ENR 4 KAH/amb

ENC _____ Enclosures


cc: Parties of Record

SEC 1

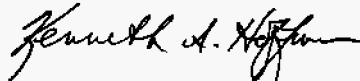
VWS _____

OTE _____

RECEIVED & FILED


FPSC BUREAU OF RECORDS

Sincerely yours,


Kenneth A. Hoffman

DOCUMENT NUMBER-DATE

09894 SEP -1 1992

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In re: Application of Southern)
States Utilities, Inc. and Deltona)
Utilities, Inc. for Increased)
Water and Wastewater Rates in)
Citrus, Nassau, Seminole, Osceola,)
Duval, Putnam, Charlotte, Lee,)
Lake, Orange, Marion, Volusia,)
Martin, Clay, Brevard, Highlands,)
Collier, Pasco, Hernando, and)
Washington Counties.)

Docket No. 920199-WS
Filed: September 1, 1992

SOUTHERN STATES' RESPONSE TO PUBLIC COUNSEL'S
PETITION FOR FULL COMMISSION ASSIGNMENT

SOUTHERN STATES UTILITIES, INC. and DELTONA UTILITIES, INC. (hereinafter referred to collectively as "Southern States"), by and through undersigned counsel and pursuant to Rule 25-22.037, Florida Administrative Code, submits its response to the OFFICE OF PUBLIC COUNSEL'S ("Public Counsel") Petition for Full Commission Assignment ("Petition") and states as follows:

1. On August 21, 1992, Public Counsel filed its Petition.

2. Pursuant to Rule 25-22.0355(4)(b), Florida Administrative Code, Public Counsel was required to submit the Petition "within 15 days of notice of filing of the application or petition, or rendition of an order suspending proposed rates of or of an order initiating a proceeding, whichever occurs first." Public Counsel filed its Notice of Intervention on May 21, 1992. Public Counsel had notice of Southern States' Application for Increased Water and Wastewater Rates on May 21, 1992. By adding 15 days to May 21, 1992, Public Counsel was required to file its Petition on or before

June 5, 1992, in order to meet the requirements of Rule 25-22.0355. Nonetheless, Public Counsel waited approximately two and one-half months prior to filing its Petition on August 21, 1992. Public Counsel's Petition is untimely and procedurally deficient under Rule 25-22.0355(4)(b), Florida Administrative Code.

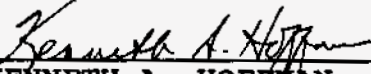
3. Public Counsel states in Paragraph 2 of its Petition that "according to the tentative terms of the Case Assignment and Scheduling Record, Chairman Thomas Beard and Commissioners Betty Easley and Susan Clark are to be assigned to this docket." On the contrary, it is Southern States' understanding that Chairman Thomas Beard and Commissioners Betty Easley and Susan Clark have, in fact, been assigned to this docket.

4. Public Counsel's Petition states no reason or justification as to why Public Counsel waited this late into the proceeding before filing the Petition.

5. The Commission's existing docket is heavily loaded with rate proceedings. Southern States submits that appropriate docket management is statutorily delegated to the exclusive discretion of the Office of the Chairman. Commissioner assignments and panel designations should not be changed absent a showing of an abuse of discretion. No such showing is reflected in Public Counsel's Petition.

WHEREFORE, Southern States requests the Florida Public Service Commission to deny Public Counsel's Petition for Full Commission Assignment.

Respectfully submitted,


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and

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1000 Color Place
Apopka, Florida 32703
(407) 880-0058

Attorneys for Applicants
Southern States Utilities, Inc.
and Deltona Utilities, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Southern States' Response to Public Counsel's Request for Full Commission Assignment was furnished by hand delivery (*) or by U.S. Mail, this 1st day of September 1992, to the following:

Harold McLean, Esq.*
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111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400

Mr. Harry C. Jones
Cypress and Oak Villages
Association
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Homosassa, Florida 32646

Matthew Feil, Esq.*
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101 East Gaines Street
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By: 
KENNETH A. HOFFMAN, ESQ.