

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
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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
MOTION FOR WAIVER OF PORTION OF
RULE 25-30.360(5), F.A.C., AND REQUEST FOR REFUND CHECKS**

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, hereby files its response to the
OFFICE OF PUBLIC COUNSEL's ("Public Counsel") Motion for Waiver of
Portion of Rule 25-30.360(5), Florida Administrative Code, and
Request for Refund Checks, and states as follows:

1. Rule 25-30.360(5) Florida Administrative Code, states as
follows:

Method of Refund Distribution. For those
customers still on the system, a credit shall
be made on the bill. In the event the refund
is for a greater amount than the bill, the
remainder of the credit shall be carried
forward until the refund is completed. If the
customer so requests, a check for any negative
balance must be sent to the customer within
ten (10) days of the request.

For customers entitled to a refund but no
longer on the system, the company shall mail
a refund check to the last known billing
address except that no refund for less than
\$1.00 will be made to these customers.
[Emphasis added.]

2. In its Motion, Public Counsel argues that Rule 25-

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FPSC-RECORDS/REPORTING

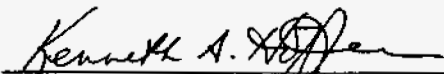
- ACK
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30.360(5) "contemplates" a credit on bills. See paragraph 7 of Public Counsel's Motion. Southern States maintains that the Rule does more than "contemplate" a credit on bills. Rule 25-30.360(5) imposes a mandatory obligation on Southern States to provide refunds to its customers **by providing credits on customer bills.** Short of a waiver granted by the Commission, Southern States maintains that it is required under Rule 25-30.360(5) to provide refunds to its customers through credits on bills.

3. Public Counsel's Motion does not set forth any unusual circumstance or justification which would support a waiver of that portion of Rule 25-30.360(5) which requires that refunds be implemented through credits on bills.

Wherefore, Southern States respectfully requests the Commission to enter an order denying Public Counsel's Motion for Waiver of a Portion of Rule 25-30.360(5) Florida Administrative Code, and Request for Refund Checks.

Respectfully submitted,


KENNETH A. HOFFMAN, ESQUIRE
FLOYD R. SELF, ESQUIRE
LAURA L. WILSON, ESQUIRE
Messer, Vickers, Caparello, Madsen
Lewis, Goldman & Metz, P.A.
P. O. Box 1876
Tallahassee, Florida 32302-1876
(904) 222-0720

and

BRIAN P. ARMSTRONG, ESQUIRE
Southern States Utilities, Inc.
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.*
Office of Public Counsel
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400

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

Matthew Feil, Esq.*
Catherine Bedell, Esq.
Florida Public Service Commission
Division of Legal Services
101 East Gaines Street
Room 226
Tallahassee, Florida 32399-0850

By: 
KENNETH A. HOFFMAN, ESQ.