

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Revisions of)
PSC Water and Wastewater Rules)

Docket No. 911082-WS
Filed: April 23, 1993

PETITION FOR LEAVE TO INTERVENE

The Florida Waterworks Association, by and through its undersigned counsel, pursuant to Rules 25-22.039 and 25-22.036(7)(a), Florida Administrative Code, hereby petitions the Florida Public Service Commission for leave to intervene in the above docket, and in support states the following:

1. The name of the Commission is the Florida Public Service Commission, which has assigned Docket No. 911082-WS to this proceeding.

2. The name of the Petitioner is Florida Waterworks Association. For purposes of this proceeding, its address is the address for the undersigned counsel, as follows:

Wayne L. Schiefelbein
Gatlin, Woods, Carlson & Cowdery
1709-D Mahan Drive
Tallahassee, Florida 32308

3. The Florida Waterworks Association is comprised of investor-owned water and/or wastewater utility companies in the State of Florida, and is the Florida Chapter of the National Association of Water Companies, Inc. The Florida Waterworks Association exists to assist its members with regulatory, technical and operational matters. A substantial number of the members of the Florida Waterworks Association are utilities regulated by the Florida Public Service Commission, and are subject to its rules and regulations. This docket involves the Commission's proposal for a comprehensive rewrite of Chapter 25-30, Florida Administrative

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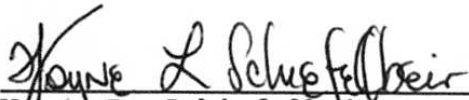
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Code, with a wide array of changes in rules and policies pertaining to the authority, service and rates of investor-owned water and wastewater utilities. Thereby, the Florida Waterworks Association's substantial interests are subject to determination or will be affected through this proceeding.

4. The Florida Waterworks Association is concurrently filing with the Division of Administrative Hearings a Petition for Administrative Determination of Invalidity of Proposed Rules. That petition seeks to challenge proposed rule 25-30.433(3) and (8), Florida Administrative Code. Proposed rule 25-30.433(3) would establish applicable rate-making treatment in rate case proceedings for debit deferred taxes and other deferred debits in determining the utility's capital structure and rate base. As detailed in its Petition for Administrative Determination of Invalidity of Proposed Rules and in its Comments on Proposed Rules, the Florida Waterworks Association opposes proposed rule 25-30.433(3) insofar as it would disallow recovery of necessary and prudent costs, or a return on necessary and prudent investment in the unamortized portion of expenditures characterized by the Commission as deferred debits. The Florida Waterworks Association believes that this proposed rule contravenes Section 367.081(2), Florida Statutes, the law implemented, and the right of a utility to due process, to just compensation for taking of property, and the right to possess and protect property, under the Florida Constitution, Article I, Secs. 2 and 9, Article X, Sec. 6; and the U.S. Constitution, Amendments V and XIV.

Based on the foregoing, the Florida Waterworks Association requests leave to intervene in this docket.

Respectfully submitted,

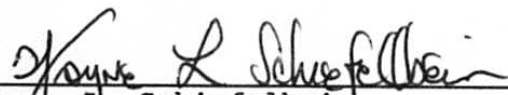


Wayne L. Schiefelbein
Gatlin, Woods, Carlson & Cowdery
1709-D Mahan Drive
Tallahassee, FL 32308
(904) 877-7191

Attorneys for
Florida Waterworks Association

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to Christiana Moore, Esquire, Division of Legal Services, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0850, on this 23rd day of April, 1993.



Wayne L. Schiefelbein