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REPLY TO: Tallahassee

July 6, 1993

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

HAND DELIVERY

Re: Docket No. 920199-WS

Dear Mr. Tribble:

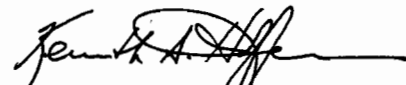
Enclosed for filing in the above-referenced docket are the following documents:

- ~~95-44~~  
930648-WS  
07/73-93 1. Original and fifteen copies of Southern States' Response to COVA's Request for Investigation of SSU's Publicity, Advertising and/or Lobbying Activities; and
- ~~920199-WS~~  
07/73-93 2. Original and fifteen copies of Southern States' Motion to Strike Cova's Motion for Correction of Property Taxes.

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

Thank you for your assistance with this filing.

Sincerely,

  
Kenneth A. Hoffman

KAH/rl  
Enclosures

4

DOCUMENT NO. DATE  
07173-93 7-6-93  
FPSC - COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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: July 6, 1993

SOUTHERN STATES' MOTION TO STRIKE  
COVA'S MOTION FOR CORRECTION OF PROPERTY TAXES

SOUTHERN STATES UTILITIES, INC. ("Southern States"), by and through its undersigned counsel, hereby moves to strike the Motion for Correction of Property Taxes filed by CYPRESS AND OAK VILLAGES ASSOCIATION, INC. ("COVA"). In support of its Motion to Strike, Southern States states as follows:

1. Southern States filed its application for rate increase in this docket based on expenses and rate base for the historic period ended December 31, 1991.

2. On March 22, 1993, the Commission issued Order No. PSC-93-0423-FOF-WS, the Final Order Setting Rates in this docket.

3. On April 2, 1993, COVA timely filed a Motion for Reconsideration of the Final Order.

4. On June 8, 1993, the Commission issued Order No. PSC-93-0861-FOF-WS granting Southern States' Motion for Stay of the Final Order pending the disposition of all motions for reconsideration. The Commission granted Southern States' Motion finding "it would be wasteful to require a refund of monies prior to the Commission disposing of all of the pending motions for reconsideration, some of which, if granted, might affect the amount of such refund"

DOCUMENT NUMBER-DATE

07173 JUL-68

100-RECORDS/REGISTRY

001284

Order No. PSC-93-0861-FOF-WS, at 2.

5. On or about June 23, 1993, approximately three months after the issuance of the Final Order in this docket, COVA filed its Motion for Correction of Property Taxes.

6. COVA's Motion for Correction of Property Taxes is nothing more than a second request for reconsideration filed approximately ninety days after the issuance of the Final Order.<sup>1</sup> COVA attempts to justify its abuse of procedure by reference to Order No. PSC-93-0861-FOF-WS. As discussed above, in that Order, the Commission granted a stay of the final order pending the disposition of all motions for reconsideration to avoid the waste of requiring a refund of monies prior to the Commission's resolution of motions for reconsideration which ultimately may affect the final rates approved in this docket. The Commission's order granting a stay of the Final Order pending disposition of all motions for reconsideration in no way authorizes a party to continually file motions for reconsideration (although a party may choose to label the motion otherwise) until the docket is closed.

7. The Motion for Correction of Property Taxes filed by COVA should be denied as it is substantively an additional request for reconsideration which has not been filed within fifteen (15) days following issuance of the Final Order, as required under the Final Order, at 112, and Rule 25-22.060(3)(a), Florida Administrative

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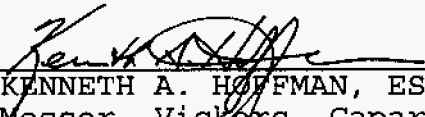
<sup>1</sup>COVA's Motion also is replete with unsupported allegations outside the evidentiary record in this proceeding.

Code.<sup>2</sup>

8. COVA's unsubstantiated assertions of the need for "clarification" of 1991 taxes are without merit. COVA seeks Commission relief for fictitious out of period tax reductions without regard to the fact that no such reductions exist.

WHEREFORE, Southern States respectfully requests the Commission to enter an order striking COVA's Motion for Correction of Property Taxes.

Respectfully submitted,

  
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Utilities, Inc.

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<sup>2</sup>Failure to timely file a motion for reconsideration constitutes waiver of the right to do so under Rule 25-22.060(1)(d), Florida Administrative Code.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Southern States' Motion to Strike COVA'S Motion for Correction of Property Taxes was furnished by U. S. Mail, this 6th day of July, 1993, to the following:

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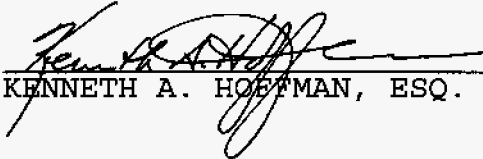
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By:   
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