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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

February 4, 1994

Mr. Steve Tribble, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 E. Gaines Street  
Tallahassee, FL 32399-0863

RE: Docket No. 930256-WS

Dear Mr. Tribble:

Enclosed please find the original and fifteen (15) copies of Citizens' Response to Motion to Dismiss and Answer to Petitions for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Stephen C. Reilly  
Associate Public Counsel

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_ SCR/gr
- EAG \_\_\_\_\_ Enclosures
- LEG 1 w/ memo
- LIN 4
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OTU \_\_\_\_\_

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a Rate Increase )  
in Seminole County by SANLANDO UTILITIES ) DOCKET NO. 930256-WS  
CORPORATION ) FILED: February 4, 1994  
\_\_\_\_\_)

CITIZENS' RESPONSE TO MOTION TO DISMISS AND ANSWER TO PETITIONS

The Citizens of the State of Florida (Citizens), on behalf of the ratepayers of Sanlando Utilities Corporation, (Sanlando, utility, or corporation) hereby file the following response in opposition to Sanlando's Motion to Dismiss and Answer to Petitions:

1) In its motion to dismiss Sanlando argues that the Protestants, Ms. Madden, Mr. Hiatt and Mr. Swett failed to establish a sufficient substantial interest in the subject docket, and because of this failure their protests of PAA Order No. PSC-93-1771-FOF-WS should be dismissed.

2) In their respective petitions each Protestant alleged that they were customers of Sanlando and would be forced to pay higher utility rates if the company's conservation proposal was approved. Since the entire over 2 million dollar cost of this conservation proposal is being collected from the ratepayers, including these Protestants, it would seem that their interest in this proceeding is very substantial indeed. This is particularly true since this over 2 million dollars will be collected as "overearnings" for this regulated utility. The Commission has always held that a ratepayer who is subject to a rate increase has a substantial interest in the outcome of the rate increase proceeding.

3) The Citizens are unable to state the ultimate facts in this case until they have had an opportunity to engage in discovery. However, the Citizens do believe there are numerous disputes of material facts concerning this proposed "conservation" proposal. The Citizens intend to present material facts concerning:

- a) What is proposed to be conserved?
- b) What will actually be conserved?
- c) Who benefits from the program?
- d) Who pays for the program?
- e) Is it proper to collect the costs of conserving water from wastewater customers?
- f) Is it proper to not require the beneficiaries of the program to pay for the program?
- g) Is the cost of the conservation plan greatly increased because of the method chosen to finance the construction of the improvements?
- h) Is it proper to authorize a utility to overearn so that it can collect more CIAC to make it even more in violation of Commission Rule 25-30.580, Florida Administrative Code?
- i) Does the conservation plan violate the provisions of Section 367.081(2)(a), Florida Statutes?

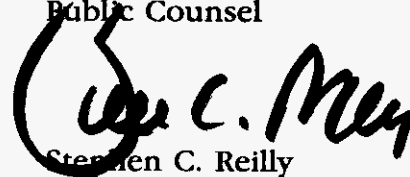
4) In paragraph 6 of its Motion to Dismiss the utility expressly states that it denies each and every allegation of fact made by the Petitioners. It appears there will be an abundance of disagreement concerning the material facts of this case.

5) The Protestants did not fail to make a demand for relief. The Protestants demanded that PAA Order No. PSC-93-1771-FOF-WS should not become final, but that they should be granted a Section 120.57(1), Florida Statutes, formal hearing where they can present testimony in opposition to the utility's proposed conservation program.

WHEREFORE, the Citizens respectfully request the Commission to deny the utility's Motion to Dismiss and grant the Petitioners and the other ratepayers the Section 120.57(1), Florida Statutes, formal hearing they have requested.

Respectfully submitted,

Jack Shreve  
Public Counsel



Stephen C. Reilly  
Associate Public Counsel

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

(904) 488-9330

Attorneys for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE  
DOCKET NO. 930256-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing furnished by U.S.

Mail or \*hand-delivery to the following parties in this 4th day of January, 1994.

JOHN F. LOWNDES, ESQUIRE  
Lowndes, Drosdick, Doster, Kantor  
& Reed, P.A.  
215 North Eola Drive  
Orlando, FL 32801

\*MAGGIE O'SULLIVAN, ESQUIRE  
Division of Legal Services  
Fla. Public Service Commission  
101 E. Gaines Street  
Tallahassee, FL 32301

  
\_\_\_\_\_  
Stephen C. Reilly