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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a Rate Increase  
in Seminole County by SANLANDO UTILITIES )  
CORPORATION ) DOCKET NO. 930256-WS  
FILED:

AMENDED  
RESPONSE TO MOTION TO DISMISS AND ANSWER TO PETITIONS  
AND  
ALTERNATIVE MOTION TO AMEND

Comes now TRICIA A. MADDEN, as President of WEKIVA HUNT CLUB COMMUNITY ASSOCIATION, INC., and Individually (hereinafter Petitioners) by and through its undersigned attorneys and hereby files the following amended response in opposition to Sanlando's (Sanlando) Motion to Dismiss and Answer to Petitions and their Alternative Motion to Amend. The sole purpose of the amendment is to correct citations found in paragraphs 1. and 2. and the Wherefore clause:

1. The Petitioners have complied with Rules 25-22.036(7)(a) and (f), Florida Administrative Code, by setting forth the elements required thereby in their Petition. It should be noted that

ACK \_\_\_\_\_  
AFA 1 \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG 1w/m \_\_\_\_\_  
LIN 6 \_\_\_\_\_  
OPC \_\_\_\_\_  
ROH \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

unlike other portions of the applicable rules, Rule 25-22.036(7)(a) does not mandate that all of the elements stated therein be set forth but merely directs that Petitions "should contain" the elements set forth therein.

2. Sanlando argues that the Petitioners failed to allege a sufficient substantial interest. Rule 25-22.036(7)(a)(2) does not specifically require that the substantial interest be alleged, but merely requests a statement of how the substantial interest will be affected. In fact the Petitioners alleged both of these elements by stating that they would be forced to pay higher utility rates if

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the company's conservation proposal was approved. Since the entire cost of this conservation proposal is being collected from the ratepayers, including these Petitioners, their interest in this proceeding is substantial indeed. The Commission should find that a ratepayer who is subject to a rate increase has a substantial interest in the outcome of the rate increase proceeding.

3. Sanlando also argues that the Petitioners have failed to allege disputed issues of fact and ultimate facts. Paragraph 5 provides for both of these elements by protesting the findings of Order No. PSC-93-1771-FOF-WS and then listing several of the facts in dispute. In this case a motion for more definite statement pursuant to Rule 25-22.037(2)(a) would be the appropriate method to address this issue, if it is to be addressed at all. In addition, until they have had an opportunity to engage in discovery the Petitioners are unable to determine all specific issues and ultimate facts in this case.

5. Finally, Sanlando alleges that the Petitioners failed to make a demand for relief. In fact, the Petitioners demanded that Order NO. PSC-93-1771-FOF-WS should not become final, and 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 Petitioners 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. In the alternative, the

Petitioners request that they be permitted to amend their Petition as provided for by Rule 25-22.036(8), Florida Administrative Code.

Respectfully submitted,



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Individually

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

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties on this 7th day of February, 1994.

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