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M E M O R A N D U M

TO : CHAIRMAN J. TERRY DEASON

FROM : MAGGI O'SULLIVAN, DIVISION OF LEGAL SERVICES *mo*

RE : DOCKET NO. 930256-WS -- PETITION FOR A LIMITED PROCEEDING TO IMPLEMENT WATER CONSERVATION PLAN IN SEMINOLE COUNTY BY SANLANDO UTILITIES CORPORATION.

DATE : JUNE 20, 1994

This docket has been scheduled to be heard at the June 21, 1994, Agenda Conference in order to address motions to dismiss filed by Sanlando and the Audubon Society. On Thursday, June 16, 1994, Sanlando and the Audubon Society filed a Notice of Supplemental Authority. The notice cites the recently passed legislation dealing with reuse projects, and purports to supplement the motions to dismiss.

On Friday, June 17, 1994, the Office of Public Counsel filed a motion to delay oral argument on the grounds that OPC and the other intervenors need additional time to review and respond to the notice. Although not stated in the motion, OPC's counsel has informed me that the representatives from Sanlando and the Audubon Society have been contacted and do not object to continuing this agenda item.

A copy of the Notice of Supplemental Authority and the Citizen's Motion to Delay Oral Argument on Petitioner's Motion to dismiss is attached for your review. Although Staff believes that we could be prepared to address the item at agenda, the parties have requested, without objection, further time to prepare. Additionally, a continuance would allow Staff to revise the recommendation to address the Notice of Supplemental Authority.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC  MEO/
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

cc: Division of Records and Reporting  
 Division of Water and Wastewater (Golden, Johnson, Merchant, Rendell, Starling, Willis)

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: June 17, 1994  
\_\_\_\_\_)

CITIZENS' MOTION TO DELAY ORAL ARGUMENT  
ON PETITIONERS' MOTIONS TO DISMISS

The Citizens of the State of Florida (Citizens), on behalf of the ratepayers of Sanlando Utilities Corporation, (Sanlando, utility or corporation) hereby file this Motion to Delay Oral Argument on Petitioners' Motions to Dismiss, and state:

1. On January 20, 1994, Sanlando filed a Motion to Dismiss Intervenors' , Tricia Madden's, Jack Hiatt's and Robert Swett's Protests of PAA Order PSC-93-1771-FOF-WS.
2. On February 4, 1994 Citizens and Tricia Madden filed responses to Sanlando's Motion to Dismiss.
3. On February 16, 1994 the Florida Audubon Society (Audubon) and Friends of the Wekiva River, Inc. (Friends) filed Petitions to Intervene and Motions to Dismiss the ratepayers' protests of PAA Order No. PSC-93-1771-FOF-WS.
4. On April 25, 1994 the Commission granted Audubon's and Friends' Motion to Intervene. Audubon's and Friends' Motion to Dismiss was deemed filed on the same day their intervention was granted.

5. On May 9, 1994 Citizens filed a response to Audubon's and Friends' Motion to Dismiss.

6. The Commission scheduled oral argument on Sanlando's, Audubon's and Friends' Motions to Dismiss for the Commission's May 31, 1994 Agenda Conference.

7. Audubon's and Friends' representative, Charles Lee, was scheduled to be out of the state until June 10, 1994 and Sanlando's counsel, Cleatous Simmons, was also unavailable to attend the August 31, 1994 Agenda Conference, because of a prior commitment. Because of these two conflicts the oral argument was rescheduled for June 21, 1994, with no objections from the other parties.

8. However, today, June 17, 1994, the Citizens received Sanlando's, Audubon's and Friends' Notice of Supplemental Authority proposing entirely new reasons for the Commission to grant their Motions to Dismiss.

9. The Citizens must be granted an opportunity to review and respond in writing to this latest attempt to deny the ratepayers their Section 120.57(1), Florida Statutes, hearing in this docket.

10. The Citizens should be afforded their opportunity to respond, as provided in Commission Rule 25-22.037(2)(b), Florida Administrative Code, and the Commission's Staff should be given an opportunity to make its recommendation prior to the Commission's consideration of these amended motions.

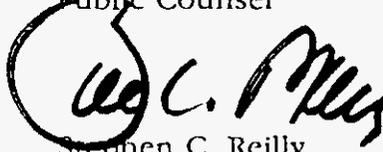
11. A speaking engagement out of the State will preclude Jack Shreve, Public Counsel, from personally participating in the oral argument currently scheduled for June 21, 1994. Given the merits of the existing motions and Staff's recommendation against

the motions, his absence was not deemed to be a material problem. However, with this broader and more serious assault upon the customers' right to a hearing, he believes he must be personally present for the oral argument on these motions.

WHEREFORE, the Citizens respectfully request the Commission to reschedule oral argument on Sanlando's, Audubon's and Friends' Motions to Dismiss as quickly as practical after the Citizens and Staff have been given an opportunity to respond in writing to the amended Motions to Dismiss.

Respectfully submitted,

Jack Shreve  
Public Counsel

A handwritten signature in black ink, appearing to read "Stephen C. Reilly", is written over the typed name. The signature is enclosed in a hand-drawn circle.

Stephen C. Reilly  
Associate Public Counsel

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(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 has been furnished by U.S. Mail or \*hand-delivery to the following parties in this 17th day of June, 1994.

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