

9/10 am

# RUTLEDGE, ECENIA, UNDERWOOD, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA  
KENNETH A. HOFFMAN  
THOMAS W. KONRAD  
R. DAVID PRESCOTT  
HAROLD F. X. PURNELL  
GARY R. RUTLEDGE  
R. MICHAEL UNDERWOOD  
WILLIAM B. WILLINGHAM

POST OFFICE BOX 551, 32302-0551  
215 SOUTH MONROE STREET, SUITE 420  
TALLAHASSEE, FLORIDA 32301-1841

GOVERNMENTAL CONSULTANTS  
PATRICK R. MALOY  
AMY J. YOUNG

TELEPHONE (904) 681-6788  
TELECOPIER (904) 681-6515

ORIGINAL  
FILE COPY

July 13, 1995

HAND DELIVERY

Mr. Charles H. Hill  
Director, Division of Water and  
Wastewater  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Gerald L. Gunter Building  
Room 152  
Tallahassee, Florida 32399-0850

Re: Docket No. 950495-WS - Southern States Utilities, Inc.

Dear Mr. Hill:

By this letter, Southern States Utilities, Inc. ("SSU") supplements its request made in SSU's letter dated July 12, 1995 and requests your consideration of the following proposal. As indicated in the July 12 letter, SSU continues to support the Commission's assertion of jurisdiction over all of SSU's land and facilities in the State of Florida. Our concern is simply one of timing.

Upon further review of your July 10 letter, it is unclear to us whether you intended the paragraph referring to service areas in Hernando, Hillsborough and Polk Counties to constitute a deficiency in the application and MFRs. SSU does not protest the desire reflected in your July 10 letter to present the Commission with the information applicable to the service areas we serve in Hernando, Hillsborough and Polk Counties. We continue to believe that no deficiency exists as to these service areas. However, to facilitate the processing of this application, we propose to file the information requested in deficiencies numbered 1 through 9 in the most expeditious manner possible. We further propose that SSU will consent to the extension of the eight month suspension period for a period of thirty (30) days to accommodate the scheduling difficulties which exist on the Commission's calendar for sufficient hearing time.

- ACK
- AFA  *Vandiver*
- APP
- CAF
- CMU
- CTR
- EAG
- LEG  *1*
- LIN  *5*
- OPC
- RCH
- SEC  *1*
- WAS  *Wills*
- OTH

RECEIVED & FILED  
*mas*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
06652 JUL 13 95  
FPSC-RECORDS/REPORTING

Mr. Charles H. Hill  
Page 2  
July 13, 1995

In addition, we propose that if your references to the service areas in Hernando, Hillsborough and Polk Counties are clarified in a manner so as not to constitute a deficiency, SSU will commit to provide the requested information in the most expeditious manner possible which in no event will be later than thirty (30) days after your acceptance of SSU's responses to deficiencies numbered 1 through 9. We hope and expect that the provision of this information within this time frame would provide Staff sufficient time to calculate the necessary interim rates for all service areas, including those in Hernando, Hillsborough and Polk Counties, if such is the desire of the Commission. Provision of this information in this manner also should provide sufficient time for the Commission to render its order in Docket No. 930945-WS concerning the jurisdiction issue and determine whether reconsideration or immediate appeal of such order to the First District Court of Appeal had occurred.

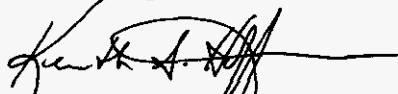
In addition, if the clarification requested by SSU in this letter is received and our responses to deficiencies numbered 1 through 9 are satisfactory, we would hope that based upon established precedent the official date of filing would be established as the date we provided the Commission with the responses to those deficiencies. To permit sufficient time for the review of the application by the Commission and your Staff, we would commit to a further extension of the statutory suspension period (beyond the 9 months previously indicated in this letter) in an amount of days equal to the number of days between the established official date of filing and the date that SSU ultimately is able to provide the Commission with the information concerning our service areas in Hernando, Hillsborough and Polk Counties.

We make these proposals in a spirit of cooperation and to evidence our desire to permit the Commission's review of information it desires concerning all of our service areas. We continue to believe that Commission action concerning the disputed service areas appears to be premature and restate our request that the Commission forego including those service areas in interim and final rates unless a final, non-appealable order from a court of last resort has been issued prior to the expiration of the suspension period indicated herein. Of course, the likelihood of such an event is slim. Nevertheless, pursuant to the commitments reflected in this letter, we believe the Commission would have available to it all of the information necessary to make an informed decision in this matter without unduly prolonging the processing of SSU's application.

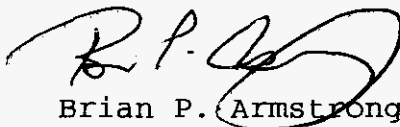
Mr. Charles H. Hill  
Page 3  
July 13, 1995

As always please let us know if you desire clarification or further discussion of the requests and proposals contained in this letter and the July 12 letter. Thank you once again for your consideration of SSU's requests and proposals.

Sincerely,



Kenneth A. Hoffman



Brian P. Armstrong

KAH/rl

cc: Lila Jaber, Esq.

Hill.rate