

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Application for rate increase for Orange-)
Osceola Utilities, Inc. in Osceola County,)
and in Bradford, Brevard, Charlotte, Citrus, Clay,)
Collier, Duval, Highlands, Lake, Lee, Marion,)
Martin, Nassau, Orange, Osceola, Pasco, Putnam,)
Seminole, St. Johns, St. Lucie, Volusia, and)
Washington Counties, by Southern States)
Utilities, Inc.)
_____)

DOCKET NO. 950495-WS
FILED: July 21, 1995

**ORIGINAL
FILE COPY**

PETITION OF SUGARMILL WOODS CIVIC
ASSOCIATION, INC. FOR LEAVE TO INTERVENE

The Sugarmill Woods Civic Association, Inc., by and through its undersigned attorney,
pursuant to Section 120.53, Florida Statutes, and Rules 25-22.036(7)(a) and 25-22.039, Florida
Administrative Code, petitions for leave to intervene in the above-styled proceeding, and in
support thereof states:

1. The name and address of petitioner is as follows:

ACK ✓ Sugarmill Woods Civic Association, Inc.
AFF Vandiver 91 Cypress Boulevard West
APP _____ Homosassa, Florida 34446

Documents relating to this proceeding should be served on:

CAU _____
CCL _____
CTE _____ Michael B. Twomey, Esquire
EAG _____ Route 28, Box 1264
LEG 3 _____ Tallahassee, Florida 32310
LIM 5 _____ Telephone: (904) 421-9530
GFC _____ Fax: (904) 421-8543

and

SEC 1 _____
W. Allen Case
OTH W. Allen Case _____ President
Sugarmill Woods Civic Association, Inc.

[Handwritten signature]

DOCUMENT NUMBER-DATE
07028 JUL 21 95
FPSC-RECORDS/REPORTING 82

91 Cypress Boulevard West
Homosassa, Florida 34446
Telephone: (904) 382-3974

2. Sugarmill Woods Civic Association, Inc. is a homeowners' association representing approximately 5,800 residents in approximately 2,100 households in the Sugarmill Woods community in Citrus County, Florida. Members of Sugarmill Woods Civic Association, Inc. take their regulated water and wastewater service from Southern States Utilities, Inc.'s ("SSU") Sugarmill Woods water and wastewater plants, which are located solely in Citrus County, Florida. In the above-styled docket SSU has requested a permanent increase in its annual revenues exceeding \$18.1 million and an interim revenue increase exceeding \$12 million on an annual basis. The Florida Public Service Commission ("PSC") is vested with the statutory authority and responsibility for setting "fair, just and reasonable" rates for SSU and its customers in this docket. SSU's rate petition requests that the sought-after revenue increases be applied to numerous SSU systems in Florida, specifically including the water and wastewater plants serving the members of Sugarmill Woods Civic Association, Inc. Accordingly, Sugarmill Woods Civic Association, Inc. and its members are persons "whose substantial interests are being determined in [this] proceeding" within the definition of Section 120.52(12), Florida Statutes, and who are per se entitled to status as "parties" in this proceeding.


3. The PSC is currently allowing SSU to continue to charge its customers illegal uniform rates in direct contravention of the Decision and Mandate of the First District Court of Appeal in Citrus County, Florida and Cypress & Oaks Villages Association, Appellants vs. Southern States Utilities and The Florida Public Service Commission, Appellees, Case No. 93-3324. Sugarmill Woods Civic Association, Inc. disputes, among other material factual disputes that will be

developed after SSU makes its complete filing available to petitioners and its other customers, that SSU's legitimate used and useful rate base and reasonable and necessary expenses, when compared to the revenues derived from its current rates and the opportunity to earn a reasonable return on its capital, warrant any current increase in its revenues, either on an interim or permanent basis.¹

WHEREFORE, Sugarmill Woods Civic Association, Inc. requests (a) that it be granted leave to intervene and be permitted to participate in this proceeding with full rights as a party, (2) that the Order Granting Intervention direct SSU to immediately serve Sugarmill Woods Civic Association, Inc. with a full and complete copy of its petition, testimony and all supporting documentation filed with the PSC, its staff and other parties, and (3) that PSC staff and other parties to this case be directed to serve upon Sugarmill Woods Civic Association, Inc. copies of all documents either filed with the PSC or served upon other parties up to, and including, the date of the Order Granting Intervention.

¹ In a telephone conversation with the undersigned on July 20, 1995, SSU General Counsel Brian Armstrong stated that SSU does not currently have any extra complete copies of its rate filing available for intervenors in this cause or for the examination of the general SSU body of customers in their local libraries. Mr. Armstrong stated to the undersigned that SSU had to loan Mr. Ken Hoffman's copy of the filing to Public Counsel Jack Shreve for copying so that his office would have available a complete filing for examination. Mr. Armstrong said that SSU did not intend to either produce or make publicly available additional copies of the filing until after the PSC "officially" approved the rate filing. Consequently, SSU's customers and their representatives are forced to visit the PSC's office in Tallahassee to make even a cursory examination of the complete rate filing. Further, such an opportunity assumes that the PSC has the complete filing and that it is available to the public.

Respectfully submitted,



Michael B. Twomey
Attorney for Sugarmill Woods Civic
Association, Inc.
(904) 421-9530

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by

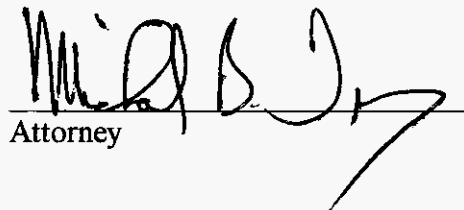
U.S. Mail this 21st day of July 1995 to the following persons:

Brian P. Armstrong, Esquire
General Counsel
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

Lila A. Jaber, Esquire
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0862

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P.O. Box 712
Marco Island, Florida 33969



Attorney