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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: September 19, 1995

NOTICE OF SUGARMILL WOODS CIVIC ASSOCIATION, INC.'S.,
SPRING HILL CIVIC ASSOCIATION, INC.'S AND MARCO ISLAND
FAIR WATER RATE DEFENSE FUND COMMITTEE'S JOINDER WITH
AND ADOPTION OF THE CITIZEN'S MOTION TO DISMISS, CITIZEN'S
SECOND MOTION TO DISMISS, AND CITIZEN'S THIRD MOTION TO DISMISS

The Sugarmill Woods Civic Association, Inc., Spring Hill Civic Association, Inc., and the
Marco Island Fair Water Rate Defense Fund Committee (collectively the "Customer Associations
and Rate Defense Committee"), by and through their undersigned counsel, give notice of their

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joinder with and adoption of the Office of the Public Counsel's Citizen's Motion to Dismiss,
Citizen's Second Motion to Dismiss, and Citizen's Third Motion to Dismiss, and, in support
thereof, state:

1. On August 29, 1995, the Office of the Public Counsel filed its Citizen's Motion to
Dismiss the entire rate pleading in the above-styled docket on the grounds that Southern States
Utilities, Inc. ("SSU") failed to comply with PSC rules and Chairman Clark's test year approval
letter. Specifically, Public Counsel argues that SSU failed to file supporting testimony describing
its rate request for the additional counties of Hernando, Polk and Hillsborough prior to the
August 2, 1995 dateline established by Chairman Clark's May 4, 1995 test year approval letter.

Public Counsel argues that such supporting testimony is required by PSC rule, was not timely

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filed, and, in fact, had not been filed at the time of the filing of the Motion to Dismiss on August 29, 1995.

2. The Customer Associations and Rate Committee concur with the Office of Public Counsel that SSU's failure to timely file its complete case is fatal to the instant filing.

3. The instant case is massive and incredibly complex even in its incomplete condition. Even without the missing supporting testimony explaining the addition of the three new counties, what is being planned for construction in those counties, water consumption levels, conservations efforts, etc., the initial filing consists of well over 25,000 pages of testimony and data. Lack of supporting testimony related to the three additional counties the PSC and its staff have forced SSU to include in the instant filing, make the already difficult task of analyzing the filing impossible. More importantly, the PSC's approval of the SSU filing in its still deficient condition has started the statutory clock mandating that the case be concluded by the PSC within eight months of the "official filing date." SSU's extension of that clock for approximately one month still does not allow sufficient time for the Public Counsel, Customer Associations and Rate Defense Committee, and other parties to review the filing and properly prepare their cases. Accordingly, the Customer Associations and the Rate Defense Committee join in the Office of Public Counsel's motion that the complete filing be dismissed. The Customer Associations and Rate Defense Committee submit that SSU should be allowed leave to amend its filing with the necessary testimony and other data so that the filing is complete and in compliance with all PSC rules and Chairman Clark's test year approval letter. Only then should the rate case clock begin to run.

4. On September 8, 1995, the Office of Public Counsel filed its Citizen's Second Motion to Dismiss arguing that the PSC should dismiss SSU's application in the instant case because of the utility's failure to provide its customers with proper legal notice about the rate case. Specifically, Public Counsel argues that SSU has failed to comply with those provisions of

the PSC's rules requiring the utility to provide its customers, the general public and the chief executive officer of each municipality and county in its service areas with copies of its rate petition, MFR's and rate case synopsis. Public Counsel submits, correctly in the view of the Customer Associations and Rate Defense Committee, that SSU has presented its customers and the chief executive officers with an incomprehensible "maybe this will happen to your rates, or maybe that will happen" scenario based on descriptions of both its "initial" rate filing, as well as the "supplemental" filing the PSC and its staff forced the utility to undertake.

5. The Customer Associations and the Rate Defense Committee agree with the Public Counsel that customers cannot now know what rates they are subject to being charged as a result of the PSC's action in the instant case. Accordingly, the Customer Associations and Rate Defense Committee support and join in the Citizen's Second Motion to Dismiss. Again, SSU should be granted leave to amend its filing and the ancillary notices required by PSC rule. However, it should not be allowed to "start the clock", and force its customers to start defending themselves until it gets both its complete filing and customer notices correct.

6. On September 14, 1995, the Office of Public Counsel filed its Citizen's Third Motion to Dismiss arguing that the SSU filing should be dismissed because (1) SSU's filing leaves customers guessing as to whether their ultimate rates will be based on the inclusion of Hernando, Polk and Hillsborough Counties, or (2) without those three counties and only the counties included in SSU's "initial" filing. Furthermore, Public Counsel correctly observes that SSU has requested "uniform rates" in its instant filing, and only uniform rates, notwithstanding the fact that the Sugarmill Woods Civic Association, Inc. and the Board of County Commissioners of Citrus County had that rate structure declared in excess of the PSC's jurisdiction in an appeal of the final order in Docket No. 920199-WS. As noted by the Public Counsel, the PSC, as recently as September 12, 1995, receded from the uniform rates still currently being charged and announced that it would establish legal rates on September 26, 1995. Accordingly, SSU can neither know

what rates to advise its customers are the “current” rates, since it does not know and cannot know until at least September 26, 1995, nor can it tell its customers, as it must by PSC rule, what the “proposed rates and charges” are since those rates are totally dependent upon knowing what the correct “present” rates are. Thus, as noted by Public Counsel, SSU has failed to comply with Rule 25-22.0407(4)(c)1, Florida Administrative Code, which requires the utility to include with its rate filing a comparison of the present and proposed rates and charges. Public Counsel correctly concludes that SSU has not complied with the rule, and cannot, because “neither the present nor proposed rates are known.”

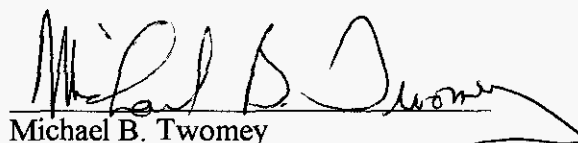
7. Under the current state of affairs, no customer can know whether he or she is truly at risk from SSU’s current rate filing. Customers who are currently being subsidized by the uniform rate subsidies being coerced from certain other communities, and who have been previously lulled into complacency by the actions of SSU and the PSC staff in support of uniform rates, may be truly outraged to find what their true rates will be if: (1) they are forced to pay their own costs; and (2) if SSU gets the total revenue increase it is seeking from the PSC in its instant rate case. Public Counsel correctly concludes that no SSU customer has adequate legal notice of what SSU is seeking in this case and, therefore, no customer currently has a “meaningful point of entry into the administrative process.”

8. The Customer Associations and the Rate Defense Committee concur with and adopt the Citizen’s Third Motion to Dismiss for the reasons stated in that motion. Again, SSU should be allowed leave to amend its filing, provide adequate notice to its customers and again start the rate case clock. It cannot possibly meet those requirement, however, until after September 26, 1995, when the PSC is currently scheduled to make its decision on what the appropriate and legal “present rates” are. Then, and only then, should SSU be allowed to refile its case, give its customers adequate and legal notice, and restart the rate case clock.

9. Should anyone wring their hands over the inconvenience this situation appears to present to SSU, they should first recall that the utility is the party in complete control of when it elected to file the instant rate case. It did so at the time of its choosing and with the full and complete knowledge that it had lost on the legality of uniform rates at the First District Court of Appeals. It knew, or should have known, that its adversely affected customers would insist that the PSC set their "current" rates at the appropriate legal rates and that they receive their rate refunds. If SSU could have been certain of just one thing when it elected to file the instant case, it would have been that every rate and charge that it was currently charging and was proposing to charge were subject to complete and absolute uncertainty. Why SSU chose to file when it did, and for uniform rates in the face of the First District's reversal of uniform rates, is for it to answer. The clear fact, however, is that its customers did not make it file when it did. Accordingly, no one should expect SSU's customers to accept less than adequate legal notice and full and complete compliance with the statutes and PSC's rules, which have the force of law, in the largest water and sewer rate case in the state's history merely because SSU selected an inopportune time to file its case.

WHEREFORE, the Sugarmill Woods Civic Association, Inc., Spring Hill Civic Association, Inc., and the Marco Island Fair Water Rate Defense Fund Committee request that the Florida Public Service Commission grant the Office of the Public Counsel's First, Second and Third Motions to Dismiss, thereby providing all SSU customers with the relief requested therein.

Respectfully submitted,



Michael B. Twomey
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Association, Inc., Spring Hill Civic
Association, Inc., and Marco Island Fair
Water Rate Defense Fund Committee

(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 19th day of September, 1995 to the following persons:

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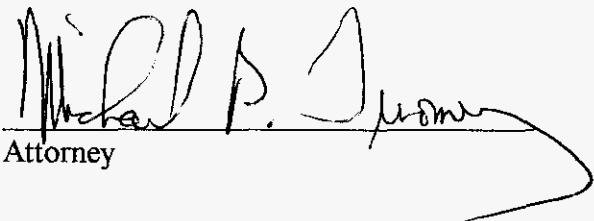
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