

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for a rate increase for  
Orange-Osceola Utilities, Inc, in  
Osceola County, and Bradford, Brevard,  
Charlotte, Citrus, Clay, Collier, Duval,  
Highlands, Lake, Lee, Marion, Marin,  
Nassau, Orange, Osceola, Pasco, Putnam,  
Seminole, St. Johns, St. Lucie, Volusia,  
and Washington counties by Southern States  
Utilities, Inc.

Docket No.: 950495-WS

Filed:

FILED  
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**NASSAU COUNTY CUSTOMERS OF SOUTHERN  
STATES UTILITIES MOTION TO THE FULL COMMISSION  
TO CAP SSU'S MAXIMUM INTERIM AND FINAL RATES  
IN THIS PROCEEDING TO THE RATES REQUESTED BY SSU**

The Customers of Southern States Utilities in Nassau County ("Customers"), by and through Arthur I. Jacobs, Attorney at Law, move the commission to limit the maximum interim and final rates in this proceeding to the rates requested by SSU.

1. Commission rule 25-22.0407 requires the company to provide a copy of its petition, its MFRs, and its rate case synopsis at various places<sup>2</sup> within 30 days of the official filing date. In addition, the company must provide these materials to the chief executive officer of the governing body of each municipality and county within the service areas including in the rate request.
2. The rate case synopsis must include a summary of the section of the MFRs showing a comparison of the present and proposed rates and charges. Rule 25-22.0407(4)(c)1.
3. In addition to this notice required by Commission rules, SSU sent supplemental materials to customers attempting to justify this rate case to the citizens of Florida who are also customers of SSU.<sup>3</sup> Like the materials required by Commission rules, these materials make representations to customers about the maximum rates they might be charged as a result of this rate case. Customers

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<sup>2</sup>These places include the company headquarters and business offices, as well as county libraries or community centers when the company does not have a business office in the service territory.

<sup>3</sup>See, e.g., exhibit for identification #2 offered by SSU at the Sunny Hills service hearing on September 14, 1995.

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have relied upon these representations.

4. In order to provide due process to the customers in Nassau County and to comply with the notice provisions of the Administrative Procedures Act, the Commission should limit the ultimate maximum interim and final rates in these proceedings to the maximum rates requested by the company in its MFRs, noticed to customers under the notice requirements contained in the commission's rules, and provided by SSU in supplemental materials to the citizens of Florida who are customers of SSU.

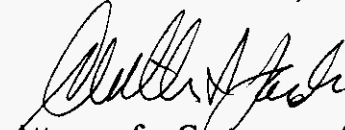
5. A new notice without new MFRs would be inadequate to remedy this situation. Significantly, the MFRs provide information to customers about the rate case that allow customers to evaluate the case and judge the extent to which their substantial interest may be affected by these proceedings. The company elected to proceed with this rate case relying on uniform rates. Consistent with this approach, the MFRs do not contain information showing revenue requirements for uniform rate systems on a system-by-system basis. Customers have no other basis upon which to evaluate this case other than on the aggregate, system-wide information provided by the company and contained in the MFRs. A new notice at variance with the MFRs would only confuse the situation further.

6. Customers have already been subject to a mountain of misleading and inadequate information. For example, the company refuses to provide new testimony supporting the case required by the commission. Instead, the testimony relates only to the case found deficient by the commission on August 1. The multiple notices provided by the company to customers refer to uniform rates and made no mention whatsoever about the possibility that uniform rates might not continue, even though the First District Court of Appeals reversed this Commission's decision regarding uniform rates months ago. And the MFRs provide aggregate, system-wide information that tell uniform rate customers nothing about the revenue requirements related to their individual systems. Unless the Commission limits the maximum interim and final rates in this proceeding to the maximum interim and final rates requested by the company, customers will have been misled throughout this entire proceeding.

7. The Customers therefore request the full commission to limit the maximum interim and final rates in this proceeding to the rates requested by SSU.

Respectfully submitted,

ARTHUR I. JACOBS, Esquire



Attorney for Customers of Southern States  
Utilities in Nassau County

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail this \_\_\_\_ day of October, 1995 to the following:

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