

8/15/95

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November 20, 1995

**ORIGINAL
FILE COPY**

HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center
Room 110
Tallahassee, Florida 32399-0850

Re: Docket No. 950495-WS

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Southern States Utilities, Inc. ("SSU") are the original and fifteen copies of SSU's Response to Motion to Intervene Filed by Jacobs & Peters, P.A., Purportedly on Behalf of Nassau County Customers.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

Bill Willingham for
Kenneth A. Hoffman

- ACK
- AFA 3
- APP
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cc: All Parties of Record
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DOCUMENT NUMBER-DATE
11622 NOV 20 95
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application by Southern)
States Utilities, Inc. for rate)
increase and increase in service)
availability charges for 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.)
_____)

Docket No. 950495-WS

Filed: November 20, 1995

SSU'S RESPONSE TO MOTION TO INTERVENE FILED BY
JACOBS & PETERS, P.A., PURPORTEDLY ON BEHALF OF
NASSAU COUNTY CUSTOMERS

SOUTHERN STATES UTILITIES, INC., ("SSU") by and through its undersigned counsel, and pursuant to Rule 25-22.037, Florida Administrative Code, hereby files this Response to the Motion to Intervene filed by the firm of Jacobs & Peters, P.A., purportedly on behalf of SSU customers in Nassau County (hereinafter "Nassau customers"). In support of this Response, SSU states as follows:

1. On October 20, 1995, the Jacobs & Peters law firm served a Notice of Appearance in the above-referenced docket on behalf of Nassau customers. On November 2, 1995, SSU filed its Response to this Notice of Appearance and to other filings simultaneously made by Jacobs & Peters, asserting, in pertinent part, that intervention cannot be granted as a matter of law because: (a) a notice of appearance does not and cannot take the place of a petition to intervene and (b) the Notice of Appearance and pleadings filed by Jacobs & Peters did not provide a clear indication of whom the firm represented and thus who the party(ies) to the proceeding is(are)

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to be.

2. On November 6, 1995, Jacobs & Peters served a Motion to Intervene, which satisfies the first deficiency SSU cited, but not the second. The Motion to Intervene declares, "The users of Southern States Utilities, Inc., located in Nassau County are substantially effected [sic] by any action taken by this commission in this cause." Motion at p.1. As it did in its November 2 Response to the Notice of Appearance, SSU concedes that SSU customers in Nassau County have a substantially affected interest in the outcome of this proceeding. However, the Motion to Intervene fails to identify who these customers are and thus who the party(ies) to the proceeding is(are) to be. SSU repeats the query (and footnotes) made in its November 2 Response:

Does the firm represent the Nassau County government or some unit thereof on behalf of all of SSU's Nassau County customers?¹ Does the firm represent all of SSU's Nassau County customers as the Notice of Appearance seems to indicate?² Does the firm represent only a group of SSU customers in Nassau County?

SSU notes that it has no basis to question that the Jacobs & Peters firm in fact represents one or more SSU customers in Nassau County. SSU questions which customers and, depending on the circumstances cited above, the authority for participation.

3. Intervention cannot be granted to a nebulous mass. Party status may be granted only to a person or persons fulfilling all


¹ If this is the case, the County is required by Section 120.52(12), Florida Statutes, to pass a resolution authorizing same prior to being eligible for party status.

² If this is the firm's claim, SSU questions what authority the firm has for so asserting.

legal requirements for such status. It is not discernable from the Motion to Intervene who the intervening party(ies) is(are) and, therefore, intervention must be denied.

WHEREFORE, in consideration of the foregoing, Southern States Utilities, Inc. requests that the Commission deny the Motion to Intervene filed by Jacobs & Peters, P.A., purportedly on behalf of Nassua County customers, for the reasons herein stated.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Response to Motion to Intervene was furnished by U.S. Mail to the following this 20th day of November, 1995:

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