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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: January 30, 1996
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PETITION OF BOARD OF SUPERVISORS OF THE EAST
COUNTY WATER CONTROL DISTRICT FOR LEAVE TO INTERVENE

The Board of Supervisors of the East County Water Control District, 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:

East County Water Control District
101 Construction Lane
Lehigh Acres, Florida 33971

Documents relating to this proceeding should be served on:

Michael B. Twomey, Esquire
Route 28, Box 1264
Tallahassee, Florida 32310
Telephone: (904) 421-9530
Fax: (904) 421-8543

and

Fred Schlosstein
Vice President
East County Water Control District
101 Construction Lane
Lehigh Acres, Florida 33971

- 2. The East County Water Control District is a drainage district within the meaning of Chapter 298, Florida Statutes. The East County Water Control District is a water and

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wastewater customer of Southern States Utilities, Inc.'s ("SSU") Lehigh water and wastewater plants, which are located solely in Lee 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 East County Water Control District. Accordingly, the East County Water Control District is a person "whose substantial interests are being determined in [this] proceeding" within the definition of Section 120.52(12), Florida Statutes, and who is per se entitled to status as a "party" in this proceeding.

3. The Resolution of the Board of Supervisors of the East County Water Control District determining to intervene in this proceeding is attached.

WHEREFORE, the Board of Supervisors of the East County Water Control District 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 the East County Water Control District 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 the East County Water Control District 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.

Respectfully submitted,


Michael B. Twomey
Attorney for the East County Water
Control District
(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 ~~29th~~ ^{30th} day of January, 1996 to the following persons:

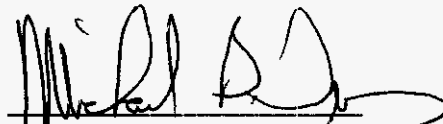
Brian Armstrong, Esquire
General Counsel
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703

Arthur I. Jacobs, Esquire
Post Office Box 1110
Fernandina Beach, Florida 32035-1110

Kenneth A. Hoffman, Esquire
Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
Post Office Box 551
Tallahassee, Florida 32302

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

Charlie Beck, Esquire
Harold McLean, Esquire
Associate Public Counsel
Office of the Public Counsel
c/o The Florida Legislature
111 West Madison Street, Suite 812
Tallahassee, Florida 32399-1400



Attorney

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
EAST COUNTY WATER CONTROL DISTRICT

WHEREAS a history of Lee County records that forty (40) years ago last September one Lee Ratner, Gerald Gould and others formed Lee County Land & Title Company and began to develop Lee Ratner's 33,000 acres of ranchland in east Lee County: and

WHEREAS history further records that the said developers began to dig drainage canals and construct roads throughout the said land; and

WHEREAS, history further records that the said lands were subdivided into building lots and an aggressive sales promotion was begun to offer buyers a lot for \$10.00 down and \$10.00 per month; and

WHEREAS many people began to move into Lehigh Acres, as it was now called, and contracted with the building section of the developer to build homes, construct septic tanks and drill wells; and

WHEREAS records show that subsequently two organizations were formed to provide utilities, wells were drilled and a sewer plant was begun. Subsequently Lehigh Utilities, Inc. was organized by the developers; and

WHEREAS on February 20, 1958 said Lee County Land & Title Company and Lee Ratner petitioned the 12th Judicial Circuit Court for the creation of a Drainage District under Chapter 298, Florida Statutes, and;

WHEREAS the said Court by decree No. 12,429, and acting upon the prayer of the petitioners found that the 33,976.35 acres set out in the petition were indeed unsuited for "sanitary or" agricultural purposes or "other public utility or benefit" and repeated the words "sanitary or other public utility or benefit" in the fourth paragraph of the decree creating the East County Water Control District; and

WHEREAS no such words or purpose are found for a drainage district in Chapter 298 Florida Statutes and are presumed gratuitous, and

WHEREAS later in 1963 the Florida Legislature re-created the East County Water Control District, Statute Chapter 63-1549, by adding lands in Hendry County, striking by reference to the general drainage law the words "sanitary or" and "other public utility" and further stated in Section 7 that water was a "common enemy"; and

WHEREAS the East County Water Control District now acting through its three (3) member Board of Supervisors, elected by the landowners of the District and who for the most part over the years were either officers or employees of the development corporation began a program of reclamation of the lands and expanding the District as the development corporation acquired title to more lands; and

WHEREAS the Consolidated Plan for Water Management prepared for said District and approved by the Supervisors by Gee & Jenson constantly refer to the construction of roads, sanitation and discharge of wastes, urban and other purposes and of water both for agricultural and domestic supply as well as conservation of water; and

WHEREAS with the passage of time and after an audit by the Auditor General the Legislature cited abuses in the operation of the East County Water Control District and removed the undue influence of the development corporations by requiring the election of five (5) supervisors by the electorate, and

WHEREAS by the time an elected Board of Supervisors took office most of the Plan of Reclamation had been put under contracts and funds were borrowed by numerous bond issues to implement said plan; and

WHEREAS in July of 1991 when the Resolution Trust Corporation sold the assets of Land Resources Corporation which included Lehigh Utilities, Lehigh Resort Motel, Lehigh Country Club, Buildings, Golf Courses, Building Supply Co., Publishing Co., building lots and undeveloped land for \$40 million the utility company received special treatment by the Resolution Trust Corporation inasmuch as it bowed to the Florida Public Service Commission of the State of Florida and delayed closing on the transaction until a separate arrangement of acquisition could be arranged for a series of transfers of properties by Seminole Utilities and Southern States Utilities for Lehigh Utilities, Inc. Said other entities also being subsidiaries of Minnesota Power & Light through its ownership of the Toepka Group; and

WHEREAS the Public Service Commission of the State of Florida by Docket No. 910781-WS, Order No. 25391-A has granted to said Seminole Utilities organizational control to substantially all of the land in the East County Water Control District; and

WHEREAS said Southern States Utilities now furnishing water and sewer to certain small sections of Lehigh Acres is drawing its water from the sandstone aquifer from ten (10) wells located in less than one (1) square mile in the center of downtown Lehigh Acres, six (6) of which are drilled in locations without sewer service and are still serviced with old septic tanks, SSU is serving 7% of the ECWCD land with sewers and has extended its service of water to 14% of the land; and

WHEREAS the East County Water Control District through its plans of reclamation by recharging the aquifer and providing a system of drainage to rid the sewer purification plant of its discharge of water via Able Canal and its feeder canal have a substantial interest in the operation of Southern States Utilities, now and in the future; and


WHEREAS the Public Service Commission in setting past utility rates for said Southern States Utilities failed to consider the financial contributions of the taxpayers of the East County Water Control District; and

WHEREAS there is now pending another water and sewer rate increase for Lehigh Acres customers, Docket No. 950495-WS,; now BE IT RESOLVED that the East County Water Control District on behalf of its taxpayers and rate payers of increasing water and sewer charges intervene in the case against the proposed rates.

This Resolution passed and adopted this 18 day of January, 1996.

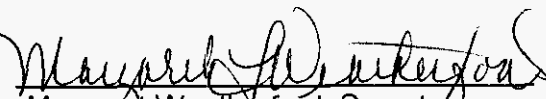
EAST COUNTY WATER CONTROL DISTRICT

BY:


Fred Schlosstein, Vice President

ATTEST:

BY:


Margaret Weatherford, Secretary