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February 27, 1996

**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 the Southern States Utilities, Inc. ("SSU"), are the following documents:

1. Original and fifteen copies of SSU's Motion for Extension of Time to File Rebuttal Testimony and Prehearing Statements and Postponement of Prehearing Conference;
2. Original and fifteen copies of SSU's Amended Response to Citrus County's Petition for Leave to Intervene;
3. Original and fifteen copies of SSU's Response to Board of Supervisors of the East County Water Control District for Leave to Intervene; and
4. A disk in Word Perfect 6.0 containing a copy of the Motion for Extension of Time entitled "Extension".

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

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RECEIVED & FILED

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*Response Board Super Motion Extension*

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FPSC-RECORDS/REPORTING FPSC-RECORDS/REPORTING

*Annell Bayo*  
DOCUMENT NUMBER-DATE

02427 FEB 27 96

FPSC-RECORDS/REPORTING

RUTLEDGE, ECENIA, UNDERWOOD, PURNELL & HOFFMAN

Ms. Blanca S. Bayo, Director  
Page 2  
February 27, 1996

Thank you for your assistance with this filing.

Sincerely,

  
Kenneth A. Hoffman

KAH/rl

cc: All Parties of Record

Trib.3

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**ORIGINAL  
FILE COPY**

In re: Application by Southern )  
States Utilities, Inc. for rate )  
increase and increase in service )  
availability charges 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, )  
Polk, Putnam, Seminole, St. Johns, )  
St. Lucie, Volusia and Washington )  
Counties. )  
 )  
 )  
 )

Docket No. 950495-WS

Filed: February 27, 1996

**SSU'S RESPONSE TO PETITION OF BOARD OF  
SUPERVISORS OF THE EAST COUNTY WATER CONTROL DISTRICT  
FOR LEAVE TO INTERVENE**

Southern States Utilities, Inc. ("SSU"), by and through its counsel, hereby files the following Response to the Petition for Leave to Intervene filed by the Board of Supervisors of the East County Water Control District ("District"), and states as follows:

1. SSU does not object to the District's Petition so long as the District's participation in this proceeding is limited to its status and standing as a customer of SSU.

2. SSU objects to the participation of the District in this proceeding as a representative of the taxpayers who reside in the District. No authority is cited in the District's Petition for Leave to Intervene which would support such standing. Although the District has alleged that it is a drainage district within the meaning of Chapter 298, Florida Statutes, there is nothing in Chapter 298 which authorizes the District to participate in an administrative proceeding on behalf of taxpayers residing in the

District. It is well settled that a Chapter 298 drainage district has "only those powers which the Legislature has delegated by statute." Roach v. Loxahatchee Groves Water Control District, 417 So.2d 814, 816 (Fla. 4th DCA 1982). Accordingly, the Resolution attached to the District's Petition for Leave to Intervene does not confer standing on the District to represent its taxpayers in an administrative proceeding where such standing has not been conferred by the Legislature in the first instance.

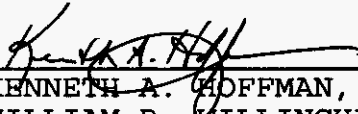
3. Further, it appears from the Petition that the taxpayers within the District are customers of SSU who receive service in the Lehigh service area. Such customers already are represented in this proceeding through the intervention of the Office of Public Counsel and the Concerned Citizens of Lehigh Acres.

4. Finally, because the District takes this proceeding as it finds it under Rule 25-22.039, Florida Administrative Code, and consistent with prior orders concerning petitions for leave to intervene in this proceeding, the District's request that SSU immediately serve the District with a full and complete copy of its petition, testimony and all supporting documentation filed with the Commission, the Commission Staff and other parties should be denied.

WHEREFORE, SSU requests that the District's intervention and party status in this proceeding be limited to its status as a customer of SSU and not as a representative of SSU customers who reside in the District. Further, the District's request that the Order granting the District permission to intervene in this

proceeding include a requirement that SSU serve copies of the above-described documents on the District should be denied.

Respectfully submitted,

  
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and

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Southern States Utilities, Inc.  
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(407) 880-0058

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of SSU's Response to Petition of Board of Supervisors of the East County Water Control District for Leave to Intervene was furnished by U. S. Mail to the following on this 27th day of February, 1996:

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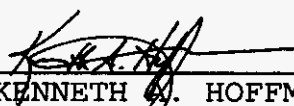
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KENNETH A. HOFFMAN, ESQ.