

43

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April 19, 1996

**ORIGINAL
FILE COPY**

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

HAND DELIVERY

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 following documents:

1. Original and fifteen copies of SSU'S Motion for Leave to File Additional Rebuttal Testimony; and
2. Original and four copies of an Amended Notice of Taking Deposition.

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,

William B. Willingham
Kenneth A. Hoffman

ACK
AFA 3
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG 1
LIN 5
OPC _____
RCH _____
SEC 1
WAS Willis
OTH _____

KAH/rl

cc: All Parties of Record
Trib.3

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

notice
DOCUMENT NUMBER-DATE

04567 APR 19 96

FPSC-RECORDS/REPORTING

motion
DOCUMENT NUMBER-DATE

04566 APR 19 96

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 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.

ORIGINAL FILE COPY

Docket No. 950495-WS

Filed: April 19, 1996

SSU'S MOTION FOR LEAVE TO FILE ADDITIONAL REBUTTAL TESTIMONY

Southern States Utilities, Inc. ("SSU"), by and through its undersigned counsel, hereby requests leave to file additional rebuttal testimony addressing the issue of alleged mismanagement or misconduct on the part of SSU. In support of its Motion, SSU states as follows:

1. Pursuant to Order No. PSC-96-0324-PCO-WS, the Prehearing Officer granted SSU's Motion for an Extension of Time to File Rebuttal Testimony and Prehearing Statements providing that rebuttal testimony and prehearing statements were to be filed by March 21, 1996 and March 26, 1996, respectively.

2. SSU timely filed its rebuttal testimony on March 21, 1996. SSU's rebuttal testimony included the rebuttal testimony of Ida M. Roberts, SSU's Manager of Community Affairs, Conservation and Communications. The purpose of Ms. Roberts' rebuttal testimony was to respond to comments made by customers at customer service hearings which cast aspersions on the information provided by Ms. Roberts to SSU's customers at customer service meetings held in

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January, 1996.

3. Prehearing Statements were filed on March 26, 1996, five days after SSU filed its rebuttal testimony. The prehearing statements of the Office of Public Counsel ("OPC") and other intervenors proposed issues concerning the alleged mismanagement of SSU and requesting that the Commission reduce SSU's final established return on equity by 100 basis points as a result thereof.

4. On April 16, 1996, the full Commission voted to include an issue in this rate case which SSU understands will be stated as follows:

"Has there been misconduct or mismanagement on the part of SSU, and, if so, what is the appropriate sanction or remedy?"

5. Basic principles of due process and fairness mandate that SSU be provided a full opportunity to submit prefiled testimony addressing this issue which was confirmed for inclusion in this rate case only three days ago. SSU's proposed additional rebuttal testimony responds to the allegations of misconduct on the part of SSU set forth in the March 12, 1996 Motion to Dismiss, advanced by OPC at the April 16, 1996 Agenda Conference and relied upon by the Commission in support of its determination that the misconduct/mismanagement issue shall be included, over SSU's objections, in this proceeding. Specifically, the additional proposed prefiled rebuttal testimony confirms that SSU did not misrepresent to customers the role of OPC in this rate case proceeding and that SSU did not advise its customers that the

Commission had already determined the amount of revenue SSU would be granted in this proceeding at customer meetings conducted by SSU in January, 1996. This testimony directly relates to the unfounded allegations of OPC and other Intervenors which form, in part, the basis for the recently added Issue set forth in paragraph 4 above. Further, prior to the Commission's decision on April 16, 1996, based on the relevant facts and applicable law, SSU had no justifiable reason to believe that the misconduct/mismanagement issue would be included in this proceeding.


6. In connection with this motion, SSU intends to file the proposed additional rebuttal testimony of the following witnesses on Monday, April 22, 1996:

- Karla Olson Teasley (Supplemental Rebuttal)
- Stephen E. Bailey, P.E. (Supplemental Rebuttal)
- William C. Goucher, P.E. (Supplemental Rebuttal)
- Forrest L. Ludsen (Supplemental Rebuttal)
- Bruce Paster, P.E. (Supplemental Rebuttal)
- J. Dennis Westrick (Supplemental Rebuttal)
- William (Dave) Denny (Supplemental Rebuttal)
- Wayne Vowell
- Paul Thompson
- Gil Compton
- Glenn Whitcomb
- Don Corder
- Judy Field
- Kristi Jung

- Terry Loewen
- Julie MacLane
- Fernando Platin
- Mary Ann Szukala
- Jeff Wilson
- Doug Lovell
- Steve Blankshein
- Tammy Jackson
- Joe Mack
- Tom Pound
- Carolyn Copeland
- Tim Vanasdale
- Frank Sanderson

WHEREFORE, for the foregoing reasons, SSU respectfully requests that it be permitted leave to file the rebuttal testimony of the above-identified witnesses.

Respectfully submitted,



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 (407) 880-0058

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of SSU's Motion for Leave to File Additional Rebuttal Testimony was furnished by hand delivery(*) or U. S. Mail to the following on this 19th day of April, 1996:

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