

ORIGINAL  
FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for rate increase in )  
Brevard, Charlotte/Lee, Citrus, Clay, Duval, )  
Highlands, Lake, Marion, Martin, Nassau, )  
Orange, Osceola, Pasco, Putnam, Seminole, )  
Volusia, and Washington Counties by )  
SOUTHERN STATES UTILITIES, INC.; )  
Collier County by MARCO SHORES UTILITIES )  
(Deltona); Hernando County by SPRING HILL )  
UTILITIES (Deltona); and Volusia County by )  
DELTONA LAKES UTILITIES (Deltona) )  
\_\_\_\_\_ )

DOCKET NO. 920199-WS  
FILED: May 21, 1996

**CITRUS COUNTY BOARD OF COUNTY COMMISSIONERS'  
RESPONSE IN OPPOSITION TO THE CITY OF KEYSTONE  
HEIGHTS', MARION OAKS HOMEOWNERS ASSOCIATION'S  
AND BURNT STORE MARINA'S PETITION TO INTERVENE  
AND REQUEST FOR ORAL ARGUMENT**

The Citrus County Board of County Commissioners ("Citrus County"), by and through their undersigned counsel, files its Response in Opposition to the Petition to Intervene filed by the City of Keystone Heights ("Keystone"), Marion Oaks Homeowners Association ("Marion Oaks") and Burnt Store Marina ("Burnt Store"), who shall be referred to collectively as "Petitioners." In support of its Response, Citrus County states as follows:

ACK \_\_\_\_\_ 1. The instant petition is filed some three and one-half years after the final hearing  
AFA 1  
APP \_\_\_\_\_ was held in this docket. Rule 25-22.039, Florida Administrative Code, requires that a petition for  
CAF \_\_\_\_\_ leave to intervene be filed at least five days before the final hearing. The instant petition is clearly  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_ untimely.

EAG \_\_\_\_\_  
LEG 1 2. Several more recent, but still untimely, petitions to intervene in this proceeding  
LIN 5 were denied by this Commission because they failed to meet the five day deadline. As reflected in  
OPC \_\_\_\_\_  
RCH \_\_\_\_\_

SEC 1  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
05624 MAY 21 8 003574  
FPSC-RECORDS/REPORTING

Order No. PSC-93-1590-FOF-WS, issued November 2, 1993, the petitions to intervene of State Senator Ginny Brown-Waite, Spring Hill Civic Association, Inc., Sugarmill Manor, Inc., and the Cypress Village Property Owners Association were all denied as being untimely. More recently, one of the instant Petitioners, Keystone, as well as the Putnam County Board of County Commissioners, sought to intervene in this docket following the reversal of the final order and remand by the First District Court of Appeal. These petitions to intervene were denied in the Reconsideration Order issued on March 21, 1996.

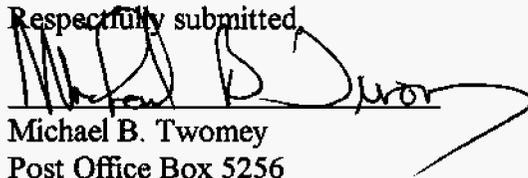
3. By the instant petition, Keystone is back for a second untimely bite at the intervention apple in this case. Keystone is joined by both Marion Oaks and Burnt Store, who made no earlier attempts at intervention. Petitioners' current argument is that they should be granted intervenor status in the instant case because they were allowed to intervene during the conduct of the formal hearing in Docket No. 950495-WS. This stance stretches the time line just a bit and ignores the particular circumstances of the Office of Public Counsel's outside counsel funding efforts, which are specific solely to Docket No. 950495-WS.

4. Where would the Commission draw the line at intervention both as to parties and time if it grants the Petitioners' request? Would it be obliged to retroactively grant the petitions to intervene of every earlier petitioner who was denied for being untimely? And, if three and one-half years is acceptable under these circumstances to grant intervention, what about the parties with comparable interests to Petitioners who would seek intervention a week from now? Is there to be no end to the acceptable time for intervention in all Commission cases or do Petitioners merely ask that we stop with them at this point and in this case?

5. In short, the Petitioners are dramatically and fatally late in their application to participate in this case. That they were allowed to intervene in Docket No. 950495-WS, or even whether that decision was correct, is irrelevant to the instant petition.

WHEREFORE, for the reasons stated, the Citrus County Board of County Commissioners respectfully requests that the Petition to Intervene and Request for Oral Argument filed by the City of Keystone Heights, Marion Oaks Homeowners Association and Burnt Store Marina be denied.

Respectfully submitted,

  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by U.S.

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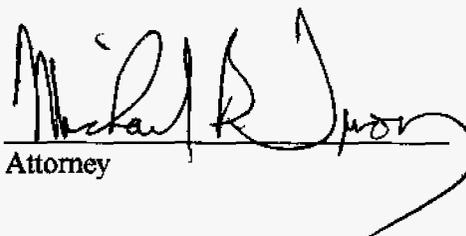
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