

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of the Board of)
Commissioners of Collier County,)
Florida, for Declaratory State-)
ment Regarding the Florida Public)
Service Commission's Entitlement)
to Regulatory Assessment Fees)
Collected By Southern States Util-)
ities in Collier County, Florida,)
After February 27, 1996)

Docket No. 960806-WS
Filed: 7-29-96

ACK _____

AFA _____

APP Alvarez

CAF _____

CMU _____

CTR _____

EAG _____

LEG _____

LIN 5

OPC _____

RCH _____

SEC _____

WAS Gilbert

OTH ADN

**SOUTHERN STATES UTILITIES, INC.'S
REQUEST FOR ORAL ARGUMENT**

Southern States Utilities, Inc. ("SSU"), by and through its

undersigned attorneys and pursuant to Rule 25-22.0021(1), Florida

Administrative Code, hereby files this Request for Oral Argument on

the following SSU pleadings concurrently filed: SSU's Petition to

Intervene and SSU's Response and Answer to the Board of Collier

County Commissioners' Petition for Declaratory Statement¹, pursuant

to Rule 25-22.037, Florida Administrative Code. In support of this

Request, SSU states as follows:

1. On July 7, 1996, the Board of County Commissioners of Collier County (the "Collier Board") served SSU by mail with a copy of its Petition for Declaratory Statement.

2. The Petition puts at issue for Commission determination a number of complex issues, including, but not limited to: (1) the

¹The Petition for Declaratory Statement is entitled "Petition of the Board of County Commissioners for Collier County, Florida, for Declaratory Statement Regarding the Florida Public Service Commission's Entitlement to Regulatory Assessment Fees Collected by Southern States Utilities, Inc. in Collier County, Florida, After February 27, 1996." Hereinafter, SSU will refer to said pleading as "the Petition for Declaratory Statement" or simply "the Petition."

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impact of the automatic stay of Fla.R.App. P. 9.310(b)(2); (2) the propriety of issuing a declaratory statement on the Petition; (3) how and to what degree the Commission's regulatory assessment fees follow its regulatory authority, and; (4) whether the Commission has jurisdiction over SSU in Collier County.

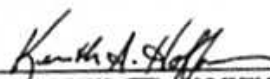
3. SSU maintains that the Petition did not present the in-depth analysis necessary for proper consideration of these and other issues. Although SSU's pleading is some 20 pages in length, SSU does not believe the Commission will be fairly presented with both sides of the issues absent oral argument.

4. Generally, Rule 25-22.0021, Florida Administrative Code, allows persons who may be affected by Commission action on agenda items which have not been to hearing to address the Commission. That same rule and Rule 25-22.022, Florida Administrative Code, purport to preclude oral argument on declaratory statements.

5. The Collier Board's Petition purports to be a request for declaratory statement, but it is in fact a petition for agency action which affects SSU's substantial interests. Therefore, SSU should be allowed oral argument on its aforesaid pleading pursuant to Rule 25-22.0021.

WHEREFORE, in consideration of the foregoing, SSU requests that the Commission allow oral argument on the pleadings it has filed concurrently herewith.

Respectfully submitted,


KENNETH A. HOFFMAN, ESQ.
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Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, FL 32302-0551
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and

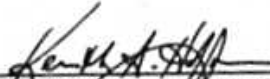
BRIAN P. ARMSTRONG, ESQ.
MATTHEW FEIL, ESQ.
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703
(407) 880-0058

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Southern States Utilities, Inc.'s Request for Oral Argument was furnished by U.S. Mail to the following this 29th day of July, 1996:

Ms. Christiana Moore
Division of Appeals
2540 Shumard Oak Boulevard
Gerald L. Gunter Building
Room 370
Tallahassee, FL 32399-0850

Mr. Michael B. Twomey
P.O. Box 5256
Tallahassee, FL 32314-5256


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PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

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July 26, 1996

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. 960806-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:

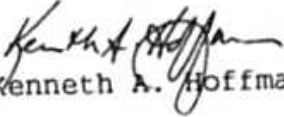
1. Original and fifteen copies of Southern States Utilities, Inc.'s Petition to Intervene and Southern States Utilities, Inc.'s Response and Answer to the Collier County Commissioners' Petition For Declaratory Statement; 07909-96
2. Original and fifteen copies of Southern States Utilities, Inc.'s Request for Oral Argument; and 07908-96
3. A disk in Word Perfect 6.0 containing a copy of the Petition to Intervene.

ACK
AFA

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,


Kenneth A. Hoffman

KAH/rl

cc: All Parties of Record

Tr:ib.3

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