

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Transfer)
of Certificate Nos. 404-W and)
341-S in Orange County from Econ)
Utilities Corporation to)
Wedgefield Utilities, Inc.)

DOCKET NO. 960235-WS

In Re: Application for)
Amendment of Certificate Nos.)
404-W and 341-S in Orange County)
by Wedgefield Utilities, Inc.)

DOCKET NO. 960283-WS

Submitted for Filing:
February 10, 1997

UTILITIES INC. and WEDGEFIELD UTILITY'S
MOTION TO ASSIGN DOCKETS TO THE FULL COMMISSION

COMES NOW Utilities, Inc. and its wholly owned subsidiary,
Wedgefield Utilities, Inc., (hereinafter collectively referred to
as "Wedgefield") and in support of its motion states:

1. The instant case is set for hearing on that portion of
Order No. PSC-96-1241-FOF-WS Notice of Proposed Agency Action Order
Establishing Rate Base for Purposes of the Transfer (the PAA
order).

2. The Case Assignment and Scheduling Record (CASR) assigns
three of the five commissioners as a panel to hear the case.

3. The case involves an issue (negative acquisition
adjustment) which previously has been the subject of many decisions
of the Public Service Commission since the policy was established
in or about 1983. The question of whether to change that policy
was considered and rejected by the full Commission in Order No.
23376 issued in Docket No. 891309-WS. The Order was protested by
the Office of Public Counsel (OPC), and after hearings, the
Commission affirmed its prior existing acquisition adjustment

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policy without any changes. Some individual case proceedings other than in that docket have been held by less the full commission, but they all have been consistent with the overall Commission policy on acquisition adjustments.

4. It would be inappropriate for the a panel of less than the full Commission membership to decide the current case, because any decision other than to deny any acquisition adjustment (either negative or positive) would result in a change of current commission policy on acquisition adjustments. If the challenge to the PAA order intends to (or in fact does) change the prior overall policy, then the full commission should be involved in making that decision. If the challenge to the PAA order accepts the prior Commission policy but seeks to require a negative acquisition adjustment based upon alleged prior maintenance practices, that decision also would change prior existing Commission policy set forth on page 3 or Order No. 23376 (issued 8/21/1990) and confirmed in Order No. 25729 (issued 2/17/1992), both of which orders were issued in Docket No. 891309-WS.

5. Section 350.01(6), F.S., provides that

(6) A majority of the commissioners shall sit in any proceeding. . . . [A] person regulated by the Public Service Commission and substantially affected by a proceeding may file a petition that the proceeding be assigned to the full commission. . . . The commission shall consider the overall general public interest and impact of the pending proceeding, including but not limited to the following criteria: . . . the needs of the consuming public and the utility; . . . the effect on consumer relations, regulatory policies, conservation, economy, competition, public health, and safety of the area

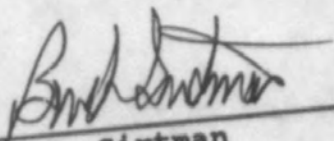
involved. If the petition is denied, the commission shall set forth the grounds for denial. [Emphasis added.]

6. Utilities Inc., and its subsidiary, Wedgefield Utilities, Inc., have attempted to raise certain matters in this proceeding which should have resulted in dismissal of the objection to the proposed agency action order and request for hearing. However, its position has been rejected by Order No. PSC-97-0104-FOF-WS issued January 27, 1997. That being the case, Utilities Inc. and Wedgefield believe that it is necessary that the matter be heard and decided by the full commission.

* WHEREFORE, because the issue of negative acquisition adjustment involves matters of Commission policy which could be changed significantly in this proceeding, Utilities, Inc. and Wedgefield Utilities respectfully request that these proceedings be assigned to the full commission.

* 7. Movants reserve all objections, including but not limited to failure to consider this matter in a generic proceeding as required by the Administrative Procedure Act, Ch. 120, F.S.

RESPECTFULLY SUBMITTED, this 10th day of February, 1997.

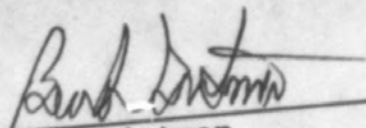


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Attorney for Utilities, Inc.
and Wedgefield Utilities, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to Charles Beck, Esq., Office of Public Counsel, 111 W. Madison St., Tallahassee, FL 32399-1400; Mr. John Forrer, Econ Utilities, Inc., 1714 Hoban Rd. NW, Washington, D.C. 20007; and to Donna Cyrus-Williams Esq., Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, by U.S. Mail (or by hand delivery * or facsimile #) this 6th day of December 1996.



Ben E. Girtman