

State of Florida

ORIGINAL  
FILE COPY

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
DIANE K. KIESLING  
JOE GARCIA



Blanca S. Bayó, Director  
Division of Records and Reporting  
(904) 413-6770

# Public Service Commission

DATE: July 31, 1997

TO: Parties of Record

FROM: Blanca S. Bayó, Director *bsb*  
Division of Records and Reporting

RE: Docket No. 920199-WS - 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).

This is to inform you that the Commission has reported the following communication in the above-referenced docket.

- Letter from Senator Ginny Brown-Waite dated July 16, 1997.

The letter, a copy of which is attached, is being made a part of the record in these proceedings. Pursuant to Section 350.042, F.S. any party who desires to respond to an ex parte communication may do so. The response must be received by the Commission within 10 days after receiving notice that the ex parte communication has been placed on the record. Please mail your response to the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_ *ISB/cp*
- CAF \_\_\_\_\_ *Attachments*
- CMJ \_\_\_\_\_ *cc: Rob Vandiver/w/letter*
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- EN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC \_\_\_\_\_ *|*
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR GINNY BROWN-WAITE**  
10th District

July 16, 1997

**COMMITTEES:**

Health Care,  
Chairman  
Children, Families and Seniors  
Community Affairs  
Regulated Industries  
Ways and Means,  
Sub. C (Human Services)

**JOINT COMMITTEE:**

Joint Administrative Procedures

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Attention: Julia L. Johnson, Chairman

Re: Docket No. 920199-WS, Southern States Utilities Rate Case

Dear Chairman Johnson:

I am writing to elaborate briefly on the pleading filed by Mr. Twomey in this docket on my behalf today. The filing has several purposes.

The first is to seek intervention in this docket for myself and Mr. Morty Miller of the Spring Hill Civic Association. As you may know, I sought intervention in this docket over three years ago but the Commission denied my request. However, the recent First District Court of Appeal decision reversing your Refund Order makes clear that all parties concerned with the consequences of uniform rates should be granted intervention. I was a customer of Southern States Utilities, Inc. ("SSU") until October 1994, and am entitled to a refund to that time. Mr. Miller is still an SSU customer and is entitled to all the relief we are requesting. While the intervention is founded on our direct personal interests, its larger purpose, of course, is to represent before you the interests of the tens of thousands of my constituents served by SSU in Spring Hill.

The Commission was warned by Mr. Twomey and others in 1994 that the uniform rates were in error and that refunds would eventually be required. Unfortunately, the First District Court of Appeal has said that you cannot force SSU to finance the refunds. Just as clearly, however, the Court did not reverse your requirement that refunds be made to customers overpaying

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**REPLY TO:**

- Hernando Government Complex, 20 North Main Street, Room 200, Brooksville, Florida 34601 (352) 544-2344
  - 316 Senate Office Building, Tallahassee, Florida 32399-1100 (904) 487-5040
- 1-800-94 WAITE

TONI JENNINGS  
President

ROBERTO CASAS  
President Pro Tempore

6594

because of uniform rates. Consequently, the only remaining avenue is for you now to order surcharges on the bills of those customers who wrongfully benefitted by the subsidies of your unlawful uniform rates. Including interest, Mr. Miller, my other constituents in Spring Hill and I have been deprived of some \$8 million in unlawful uniform rate subsidies. I hope that you will act quickly and decisively to see that those monies are returned to us. In doing so, I hope that you do not entertain the thought that we should be refunded our money over the same number of months that we have already been deprived of it. Such a tactic is clearly unwarranted and would unnecessarily double the extent of our financial inconvenience. Irrespective of how long you give SSU to collect the money from the other customers, the refunds should be immediate and by check to those entitled to them.

While the customers benefitting from uniform rates will have to finance that portion of the refund accrued to the date you approved new interim rates for most SSU systems in Docket No. 950495-WS, the utility, alone, is responsible for making the refunds for the uniform rate subsidies it collected from Spring Hill residents and retained after the date of the interim rates in the new case. SSU shareholders have retained those dollars and I expect that you will act quickly to order SSU to refund those monies to my constituents, with the appropriate compound interest. Again, I see no reason that these refunds should not be made immediately and in their full amount.

Last, is the failure of SSU to obey your order earlier this year requiring it to charge so-called "modified standalone" rates to my constituents at Spring Hill. Entered in response to requests by Public Counsel Jack Shreve and myself, your order corrected the previous failure by either your Commission or the Hernando County Board of County Commissioners to halt the uniform rate subsidies at the time: (1) they ceased being used to subsidize lower rates at other systems, or, more importantly; (2) after they were declared unlawful by the First District Court of Appeal in April 1995. To borrow Lt. Governor Mackay's phrase, this "rogue organization," SSU, has both refused to recognize the jurisdiction of Hernando County and continued to ignore your order requiring the implementation of modified standalone rates. Despite the diversionary settlement offer SSU is engaging in with Hernando County, I

believe it remains your responsibility to see that SSU complies with your order by implementing the modified standalone rates in Spring Hill. You should tolerate no further delay: SSU should be made to comply immediately.

My constituents have been economically harmed by the failed uniform rate experiment for over four years now. Deprived of their money month after month by illegal rates, many residents have either died or moved away without their rightful compensation. Enough is enough! This entire episode has been painful to everyone concerned, including the Commission. I hope that the Commission will learn from its mistakes in this case and avoid repeating them. What is more important, I would request that you rapidly correct those mistakes by making my constituents economically whole and by bringing this case to an overdue close.

Sincerely,

A handwritten signature in black ink that reads "Ginny Brown-Waite". The signature is written in a cursive, flowing style.

Ginny Brown-Waite  
State Senator District 10

cc: Commissioner Clark  
Commissioner Deason  
Commissioner Garcia  
Commissioner Kiesling  
Parties of record

STATE OF FLORIDA

JULIA L. JOHNSON  
CHAIRMAN



CAPITAL CIRCLE OFFICE CENTER  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0854  
(850) 413-6044

## Public Service Commission

July 21, 1997

The Honorable Ginny Brown-Waite  
The Florida Senate  
Hernando Government Complex  
20 North Main Street, Room 200  
Brooksville, Florida 34601

Re: Docket No. 920199-WS - 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).

Dear Senator Brown-Waite:

I am in receipt of your letter dated July 16, 1997. Our staff is currently preparing a recommendation for the Commission's consideration regarding your petition and other matters related to this docket. The recommendation will be presented to the Commission at the August 5, 1997, Agenda Conference.

Public Service Commissioners are prohibited by Section 350.042, Florida Statutes, from commenting on the merits of a case while a matter is pending. I will place your letter on the record of the proceeding, and give notice to the parties to the proceeding in accordance with Section 350.042, Florida Statutes.

If there are other matters you believe need to be brought to the Commission's attention, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia L. Johnson".

Julia L. Johnson  
Chairman

cc: Division of Records & Reporting  
General Counsel (Vandiver)  
Division of Legal Services (Jaber)  
Division of Water & Wastewater (Willis)

6597

STATE OF FLORIDA



RECEIVED

JUL 23 1997


FPSC - Records/Reporting

**Public Service Commission**

July 21, 1997

**MEMORANDUM**

TO: Blanca Bayo  
Director of Records and Reporting

FROM: Chairman Julia Johnson 

SUBJECT: Correspondence received re Docket No. 920199-WS

Please find attached a copy of a letter dated July 16, 1997, from Senator Ginny Brown-Waite and my response. Please place this memorandum and attachments on the record of the above-referenced proceeding. Also, please give notice of this communication to all parties to the docket, and inform them that they have 10 days from receipt of the notice to file a response.

JLJ:CJW:ssf

Attachments:

State of Florida

Diane K. Kiesling  
Commissioner



Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
(904) 413-6046  
FAX (904) 487-1716

Public Service Commission

MEMORANDUM

July 24, 1997

JUL 25 1997

FPSC - Records/Reporting

TO : RECORDS AND REPORTING

FROM: CATHERINE BEDELL, ASSISTANT TO COMMISSIONER KIESLING CB

RE : EX PARTE COMMUNICATION DATED JULY 16, 1997 FROM SENATOR  
GINNY BROWN-WAITE

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The attached letter from Senator Ginny Brown-Waite dated July 16, 1997, was received by this office. This is an ex parte communication.

Pursuant to the Commission on Ethics Opinion 91-31, issued July 24, 1991, the attached correspondence is an ex parte communication because it was written by a party to the docket and was seen by me. Therefore, it is necessary to place this memorandum and attachment on the record of the above-referenced proceeding pursuant to Section 350.042, Florida Statutes. Please give notice of this communication to all parties to the docket and inform them that they have 10 days from receipt of the notice to file a response.

DKK:brf  
attachment

**f a x**  
TRANSMITTAL

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to Florida Public Service Commission  
Attention: Julia L. Johnson, Chairman

fax# (850) 413-6019 - Telephone (850) 413-6044

re: Letter attached

date: July 16, 1997

pages 4 Pages, including this cover sheet.

From the desk of: Ginny Brown-Waite  
State Senator District 10  
20 North Main Street - Room 200  
Brooksville, Florida 34601

Phone: 352-544-2344

Fax: 352-544-2346





## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR GINNY BROWN-WAITE**

10th District

July 16, 1997

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Health Care,  
Chairman  
Children, Families and Seniors  
Community Affairs  
Regulated Industries  
Ways and Means,  
Sub. C (Human Services)

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**TONI JENNINGS**  
President

**ROBERTO CASAS**  
President Pro Tempore

6601

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Sincerely,

A handwritten signature in cursive script that reads "Ginny Brown-Waite". The signature is written in black ink and is positioned below the word "Sincerely,".

Ginny Brown-Waite  
State Senator District 10

cc: Commissioner Clark  
Commissioner Deason  
Commissioner Garcia  
Commissioner Klesling  
Parties of record

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From: Carol Purvis Confirm receipt  
To: Curtis Williams, Billy Stiles, Braulio Baez, Bill Berg, Brenda Ferris  
Subject: Ex Parte  
-----

===NOTE=====

BCC: Robby Cunningham

.....  
Chairman Johnson has reported receiving a letter from Senator Ginny  
Brown-Waite dated July 16, 1997, concerning Docket No. 920199-WS -  
Southern States Utility Company. We are preparing to distribute this letter to  
the parties to this docket. Would you please let me know if your Commissioner  
also received this letter from Senator Brown-Waite.  
-----

-----  
From: Carol Purvis  
To: Bill Berg, Billy Stiles, Braulio Baez, Brenda Ferris, Curtis Williams  
Subject: fwd: Ex Parte  
-----

===NOTE=====7/23/97==3:08pm=====

Chairman Johnson has reported receiving a letter from Senator Ginny Brown-Waite dated July 16, 1997, concerning Docket No. 920199-WS - Southern States Utility Company. We are preparing to distribute this letter to the parties to this docket. Would you please let me know if your Commissioner also received this letter from Senator Brown-Waite.

Fwd=by:=Bill=Berg=====7/25/97=10:26am=====

Fwd to: Carol Purvis

.....

This office has received a copy of the letter. Commissioner Deason has not seen a copy of this letter at this time. We take no position as to whether this letter is an ex parte communication. Sorry for the slow response time, I've been out of the office on business.

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-----  
From: Carol Purvis CONFIRMED  
To: Bill Berg, Billy Stiles, Braulio Baez, Brenda Ferris, Curtis Williams  
Subject: fwd: Ex Parte  
-----

===NOTE=====7/23/97==3:08pm=====Chairman Johnson has reported receiving a letter from Senator Ginny Brown-Waite dated July 16, 1997, concerning Docket No. 920199-WS - Southern States Utility Company. We are preparing to distribute this letter to the parties to this docket. Would you please let me know if your Commissioner also received this letter from Senator Brown-Waite.

Fwd-by:=Billy=Stiles==7/24/97==1:00pm=====Fwd to: Carol Purvis  
CC: Kay Posey

.....  
This letter was sent to Commissioner Clark; however, it has not been shown to her as yet.  
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-----  
From: Carol Purvis  
To: Bill Berg, Billy Stiles, Braulio Baez, Brenda Ferris, Curtis Williams  
Subject: fwd: Ex Parte  
-----

===NOTE=====7/23/97==3:08pm=====

Chairman Johnson has reported receiving a letter from Senator Ginny Brown-Waite dated July 16, 1997, concerning Docket No. 920199-WS - Southern States Utility Company. We are preparing to distribute this letter to the parties to this docket. Would you please let me know if your Commissioner also received this letter from Senator Brown-Waite.

Fwd-by:=Braulio=Baez==7/23/97==3:42pm=====

Fwd to: Carol Purvis

.....

Our office received this letter. It was placed in the intercept file. Com. Garcia has no knowledge of this letter.

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-----  
From: Carol Purvis CONFIRMED  
To: Bill Berg, Billy Stiles, Braulio Baez, Brenda Ferris, Curtis Williams  
Subject: fwd: Ex Parte  
-----

===NOTE=====7/23/97==3:08pm=====

Chairman Johnson has reported receiving a letter from Senator Ginny Brown-Waite dated July 16, 1997, concerning Docket No. 920199-WS - Southern States Utility Company. We are preparing to distribute this letter to the parties to this docket. Would you please let me know if your Commissioner also received this letter from Senator Brown-Waite.

Fwd=by:=Brenda=Ferris=7/23/97==3:40pm=====

Fwd to: Carol Purvis

.....

Commissioner Kiesling did receive this correspondence and we are preparing a memo to you stating that she has seen it.

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