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September 18, 1997

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Reply To:

Ocala

Blanco Bayo'
Director of Records and Reporting
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Re: Docket Number: 920199-WS

Dear Ms. Bayo' :

In connection with the above-referenced matter enclosed please find Petitioners, Joseph J. DeRouin, Victoria M. DeRouin, Peter H. Heeschen, Elizabeth A. Riordan, Carvell Simpson and Edward Slezak, Motion for Formal Notice to Customers and Request for Extension of Time to File Briefs, along with fifteen copies for filing with your office. Said document includes an Amended Service List.

Please feel free to contact me with any questions or comments. Thanking you in advance for your cooperation, I remain

ACK Yours truly,

AFA 1
APP 1 *Charles R. Forman*

CAF Charles R. Forman

CMU CRF:sbs

CTR Enclosures

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LRG 1

LIR 5

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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,) DOCKET NO.: 920199-WS
 Osceola, Pasco, Putnam, Seminole,)
 Volusia, and Washinton 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))
 _____)

MOTION FOR FORMAL NOTICE TO CUSTOMERS AND
REQUEST FOR EXTENSION OF TIME TO FILE BRIEFS

Come now, Joseph J. DeRouin, Victoria M. DeRouin, Peter H. Heeschen, Elizabeth A. Riordan, Carvell Simpson and Edward Slezak, by and through undersigned counsel, file this Motion for Formal Notice to Customers and Request for Extension of Time to File Briefs, and in support thereof state as follows:

1. Movants have filed a Petition to Intervene in this docket regarding refunds and surcharges which will have a substantial financial impact on Movants and other customers of Florida Water Service Corporation f/k/a Southern States Utilities, Inc.

2. By opinion filed June 17, 1997, in Southern States Utilities, Inc. v. Florida Public Service Commission, 22 F.L.W. D1492 (Fla. 1st DCA, June 17, 1997), the First District Court of Appeals reversed both this Commission's prior order requiring Florida Water Service Corporation to make a one-sided refund to customers and this Commission's denial of intervention to other

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customers similarly situated to Movants, who would be impacted by potential surcharges.

3. As recognized in the Commission's Order in this docket, dated August 27, 1997, the First District Court of Appeals ordered this Commission to consider petitions for intervention filed by customers or customer groups. Movants, as a member of that group of customers, have filed simultaneously with this Motion its Petition to Intervene due to the possibility of the imposition of a surcharge on one group of Florida Water Service customers due to the Florida Supreme Court decision in GTE Florida, Inc. v. Clark, 668 So. 2d 971 (Fla. 1996).

4. To date, this Commission has not issued or required any party to this docket to issue notice to Movants or other customers of the refund/surcharge issues previously addressed or to be addressed in this remand stage of the proceedings.

5. As the Commission is well aware, the Office of Public Counsel, which represented the Citizens of the State of Florida, has determined that it cannot protect and advocate on behalf of all customers on certain issues, such as refunds and rate design, where different groups of customers have diverse and conflicting positions in this docket. Consequently, Movants have had no representation in this matter until September 12, 1997.

6. Movants having received no notice, essentially remain unaware of the potential refund/surcharge exposure they may face

due to the reversal of the Commission's uniform rate structure by the First District Court of Appeals and the reversal by the District Court of the Commission's order requiring Florida Water Services to make refunds to certain customers while denying the utility the right to collect surcharges from Movants and other customers.

7. Movants believe that thousands of customers of Florida Water Services remain unaware of the potential surcharge exposure which would confront them if this Commission orders refunds in this docket and that customers similar to it would desire to intervene should they receive notice of the impact of the Commission's impending decision.

8. Movants have reviewed the Commission's August 5, 1997 agenda transcript and have grave concerns regarding the refusal of the Commission to require formal notification to Movants and other customers of Florida Water Services Corporation of the issues pending before this Commission in this docket, as it prevents Movants and others from timely filing for intervention into these proceedings, thereby depriving them of their constitutionally guaranteed right of due process.

9. Movants further fear that several, if not a majority of the Commissioners, have misinterpreted the refund/surcharge issue contained in the opinion, filed June 17, 1997, of the First District Court of Appeal. Specifically, the August 5, 1997

transcript reveals that more than one Commissioner appears to have expressed a belief that the First District's opinion requires refunds and requires surcharges.

10. It is Movants' belief that the opinion of the First District is not a mandate to the Commission requiring refunds and surcharges. Additionally, the First District Court clearly held that no refunds could be required without surcharges. Southern States Utilities v. Florida Public Service Commission, 22 F.L. W. D1492 (Fla. 1st DCA, June 17, 1997). This is but one example of the many factual and legal controversies which Movants must review and research in order to ensure adequate representation in this docket.

WHEREFORE, Movants respectfully request that the Commission:

A) Order Florida Water Services Corporation to provide its customers formal notice of the issues to be addressed in this remand stage of the proceedings; together with a history of the Commission orders and Court of Appeals decisions which have preceded;

B) Establish a forty-five (45) day period from the date of notice during which interested persons and/or their counsel may intervene in this docket, and;

C) Extend the date for filing briefs until sixty (60) days after the intervention period has expired.

I HERBY CERTIFY that a true copy of the foregoing has been

furnished to the attached list of addressees, by U.S. Mail, this
18th day of September, 1997.

Respectfully submitted,

By Charles R. Forman
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