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September 25, 1997

HAND-DELIVERED

Blanca S. Bayo, Director  
Division of Records and Reporting  
Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

Re: Docket No. 920199-WS

Dear Ms. Bayo:

Enclosed for filing are the original and 15 copies of the City of Keystone Heights' and the Marion Oaks Civic Association's Motion to Provide Customer Notice and Input from Customers in the above docket.

ACK  Please acknowledge receipt of the above on the extra copy enclosed herein and  
AFA 4 n it to me. Thank you for your assistance.

APP \_\_\_\_\_  
Sincerely

CAF \_\_\_\_\_  
CMU Vicki Gordon Kaufman  
CTB \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG 1 \ GK/pw  
LIN 5 Encls.

LEG 1 \ GK/pw  
LIN 5 Encls.

CPC \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC 1  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

RECEIVED & FILED  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09879 SEP 25 97

FPSC-RECORDS/REPORTING

**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: September 25, 1997

**THE CITY OF KEYSTONE HEIGHTS' AND THE MARION OAKS CIVIC ASSOCIATION'S  
MOTION TO PROVIDE CUSTOMER NOTICE AND INPUT FROM CUSTOMERS**

The City of Keystone Heights and the Marion Oaks Civic Association (Keystone/Marion), pursuant to rule 25-22.037, Florida Administrative Code, request the Commission to require Florida Water Service Corporation., f/k/a Southern States Utilities, Inc. (FWSC), to provide notice to each customer that it serves, informing each such customer of the impact that any potential surcharge or refund will have on that customer as a result of the Commission's deliberations in this docket. Further, Keystone/Marion request that the Commission hold public hearings in appropriate locations so that the affected customers can inform the Commission of the impact any such action may have on them. As grounds therefor, Keystone/Marion state:

1. In Southern States Utilities, Inc. v. Florida Public Service Commission, 22 Fla.L.Weekly D. 1492 (Fla. 1st DCA 1997), the Court reversed, among other things, the Commission's decision that a refund to one group of customers need not be

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FPSC-RECORDS/REPORTING

accompanied by a surcharge on another group of customers under the facts and circumstances of the case.

2. As a result of the remand, the Commission asked parties to the docket to brief the various options which the Commission may implement as a result of the Court's remand. Order No. PSC-97-1033-PCO-WS; Order No. PSC-97-1033-PCO-WS. Staff identified several such options, which were essentially variations on the issue of whether the Commission should direct a refund/surcharge in combination or, alternatively, direct the utility to place the final rates into effect prospectively with neither a refund nor a surcharge. Parties may address the merits of the alternatives in briefs yet to be filed.

3. However, while FWSC has provided certain information to parties on a "system" basis, parties cannot fully address the impact of the refund/surcharge on customers adequately. In order to inform itself fully, the Commission should direct that all customers be provided information meaningful to their individual circumstances and given an opportunity to inform the Commission of the impact on them.

4. Keystone/Marion is aware that an informal request to provide notice and to hold service hearings was made by FWSC at the August 5 Agenda Conference, but was rejected by the Commission at that time.

5. However, during the Agenda Conference, neither the Commission nor parties possessed data concerning the dollar impact of the refund/surcharge alternative on customers. Since that time, FWSC has filed some information. The information received by Keystone/Marion is shown on a system basis, but not on a per customer

basis. However, even with this limitation, it is clear that the impact of the alternative involving a surcharge, at least on certain groups, will be enormous. In light of the magnitude of the dollars involved in the alternative of the refund/surcharge scenario, FWSC should be required to further refine the data to demonstrate the impact on customers of each system and provide the information to all customers. Further, the Commission should provide an opportunity for customers to inform the Commission of the impact that a surcharge would have on them.<sup>1</sup>

**WHEREFORE**, Keystone/Marion request that the Commission enter an order requiring FWSC to provide notice to each of its customers concerning the potential impact of any surcharge/refund and that it hold public hearings in the areas where FWSC provides service so that affected customers may provide input to the Commission regarding the impact of a decision to order a refund and associated surcharge.

  
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Attorneys for the City of Keystone  
Heights and Marion Oaks Civic  
Association

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<sup>1</sup>The Commission is holding hearing-like workshops across the state on the topic of slamming. Based on data received from FWSC, Keystone/Marion suggest that for many customers the individual impact from potential surcharges in this case would be far more significant.

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the **City of Keystone Heights' and the Marion Oaks Civic Association's** foregoing **Motion to Provide Customer Notice and Input from Customers** has been served by U.S. Mail or hand-delivery\* to the following on this **25th day of September, 1997:**

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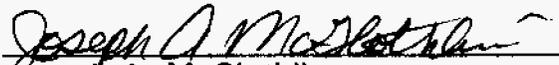
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