

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

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 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. 9210199-WS

COMMENTS OF THE COUNTY OF CHARLOTTE ON REFUND/SURCHARGE ISSUE

Charlotte County (County), 18500 Murdock Circle, Port Charlotte, Florida 33948-1094 hereby files its comments on the issue of the appropriateness of a surcharge/refund as addressed in Order No. PSC-97-1033-PCO-WS and Order No. PSC-97-1290-PCO-WS.

I. Introduction

The County adopts the Procedural Background, History of the Case and Statement of the Case and Facts as stated by Florida Water Service Corporation (FWSC) and intervenors Keystone Heights and Marion Oaks Civic Association (Keystone/Marion) in their respective briefs.

II. Basic Position

The County's basic position is no refund should be granted and no surcharge should be imposed. The County supports the prospective application of the current rate structure.

III. Comments of Charlotte County

5 A. The County agrees with and specifically adopts the position and supporting position statement of Keystone/Marion regarding the five options the Commission requested the parties to discuss. The Keystone/ Marion brief best supports the County's position on the refund/surcharge issues.

B. The Keystone/Marion brief lists five "Equity Considerations" that support the conclusion that no refund be granted and that no surcharge be imposed. Succinctly stated, those equitable considerations are:

DOCUMENT NUMBER-DATE

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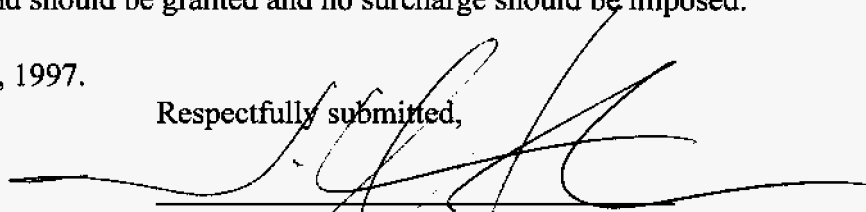
FWSC-RECORDS/REPORTING 7300

- (1) The Commission originally considered a surcharge to be, not only inappropriate but, illegal.
- (2) The amount and magnitude of any surcharge on consumers would be significantly large and would impose an enormous burden and hardship on customers.
- (3) Consumers would have had the opportunity to adjust their consumption patterns based on a "stand alone" rate structure, i.e. consumers may have used FWSC services differently had the appropriate rate structure been in place. They do not have the ability to retroactively adjust their consumption patterns to offset the increased additional charges represented by the invalid and inappropriate uniform rate structure.
- (4) The imposition of a surcharge for consumer usage that took place over five years ago will lead to further consumer confusion and outrage.
- (5) The administration of any refund/surcharge would unfairly penalize certain consumer groups and would unduly reward other consumer groups.

WHEREFORE, and in consideration of the foregoing, Charlotte County requests the Commission to find that no refund should be granted and no surcharge should be imposed.

Dated this 21st day of November, 1997.

Respectfully submitted,

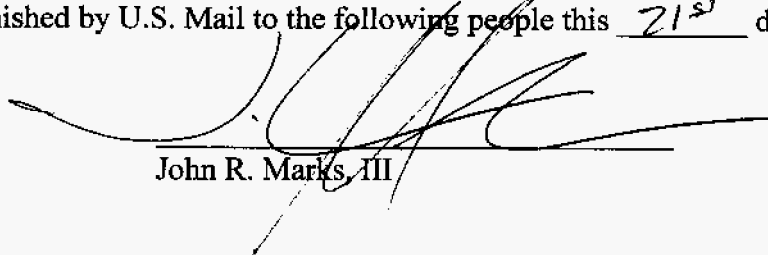


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing, Petition of the County of Charlotte For Leave To Intervene has been furnished by U.S. Mail to the following people this 21st day of November, 1997.


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