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CABLE GRANDLAW

PLEASE REPLY TO:
TALLAHASSEE

December 2, 1997

HAND-DELIVERED

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

Re: Docket No. 920199-WS

Dear Ms. Bayo:

Enclosed for filing are the original and 15 copies of Best Western Deltona Inn's Petition for Leave to Intervene in the above docket.

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

Sincerely,

Joseph A. McGlothlin
Joseph A. McGlothlin

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DOCUMENT NUMBER-DATE
12224 DEC-25 004834
FISC DIVISION 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: December 2, 1997

PETITION FOR LEAVE TO INTERVENE

Pursuant to Rules 25-22.039 and 25-22.036(7)(a), Florida Administrative Code, BEST WESTERN DELTONA INN, by and through its undersigned attorney, petitions for leave to intervene in this docket as a full party, and in support states:

- 1. The full name and address of Petitioner:

Best Western Deltona Inn
481 Deltona Boulevard
Deltona, Florida 32725

- 2. The name and address of the individuals who should receive copies of notices, pleadings and orders:

Harry Granoff
Best Western Deltona Inn
481 Deltona Boulevard
Deltona, Florida 32725

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301

DOCUMENT NUMBER-DATE

12224 DEC-250 7308

FPSC - 11/01/97 - 10/01/98

Statement of How Petitioner's Substantial Interests Will Be Affected:

3. Best Western Deltona Inn is a customer of Florida Water Services Corporation (formerly Southern States Utilities). In this docket, the Commission will decide on the appropriate course to take on remand from the First District Court of Appeal, given the competing equities of the situation. One option under consideration by the Commission is the possibility of ordering a refund to some customers and requiring others to bear the cost of the refund through a surcharge on basic rates.

4. Recently Florida Water Services informed Best Western Deltona Inn that, if the Commission decides to impose a surcharge to fund a refund, Best Western Deltona Inn will be required to bear a surcharge of \$35,100.00 in addition to the basic rates for service, which have increased dramatically in the recent past. Best Western Deltona Inn had no knowledge of the possibility of a surcharge until October 1997. The amount of the potential surcharge is extraordinary. It would equal approximately the amount of profit resulting from half a year's operations. This is an onerous result and one which would place a severe hardship on Best Western Deltona Inn. Because of the lack of notice, Best Western Deltona Inn has had no ability to pass such costs on to the customers who were responsible for the consumption during the period the various appeals were pending.

Ultimate Facts Alleged:


5. Best Western Deltona Inn's position is that, given all of the circumstances, imposing a surcharge in this situation would be inequitable and

unreasonable. The Commission should implement neither a refund nor a surcharge. Instead, the final rate structure should take effect prospectively.

Adoption of Brief:

6. Best Western Deltona Inn adopts the brief submitted on November 5, 1997, by Marion Oaks Civic Association and the City of Keystone Heights.

WHEREFORE, Best Western Deltona Inn requests the Commission to enter an order authorizing it to intervene as a full party.



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Telephone: (850) 222-2525

Attorneys for Petitioner,
Best Western Deltona Inn

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of **Best Western Deltona Inn's** foregoing **Petition for Leave to Intervene** has been served by U.S. Mail or hand-delivery* to the following on this **2nd** day of **December, 1997**:

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Florida Public Service Commission
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