

LAW OFFICES

McWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, RIEF & BAKAS, P.A.

100 NORTH TAMPA STREET, SUITE 2800
TAMPA, FLORIDA 33602-5126

TALLAHASSEE OFFICE
117 S. GADSDEN
TALLAHASSEE, FLORIDA 32301
TELEPHONE (850) 222-2525
FAX (850) 222-5606

LYNWOOD F. ARNOLD, JR.
JOHN W. BAKAS, JR.
C. THOMAS DAVIDSON
STEPHEN O. DECKER
LINDA E. JORGE
VICKI GORDON KAUFMAN
JOSEPH A. MCGLOTHLIN
JOHN W. McWHIRTER, JR.
RICHARD W. REEVES
FRANK J. RIEF, III
DAVID W. STEEN
PAUL A. STRASKE

MAILING ADDRESS: TAMPA
P.O. Box 3350, TAMPA, FLORIDA 33601-3350

TELEPHONE (813) 224-0866

FAX (813) 221-1854

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 Sugar Mill Association, Inc.'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

ACK 1
AEA 4
APP Moore
CAF _____
CMU JAM/jg
CIR _____
EAG _____
EEB 1
EIR 5
EPC _____
RCS _____
SEC 1
WAS _____
OTH Ag Don

Enclosures

RECEIVED & FILED
[Signature]
SYSTEMS & RECORDS

DOCUMENT NUMBER-DATE
12263 DEC-25 004846
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate)	
increase in Brevard, Charlotte/)	
Lee, Citrus, Clay, Duval,)	Docket No. 920199-WS
Highlands, Lake, Marion, Martin,)	
Nassau, Orange, Osceola, Pasco,)	Filed: December 2, 1997
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))	

PETITION FOR LEAVE TO INTERVENE

Pursuant to Rules 25-22.039 and 25-22.036(7)(a), Florida Administrative Code, SUGAR MILL ASSOCIATION, INC., 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:

Sugar Mill Association, Inc.
100 Clubhouse Circle
New Smyrna Beach, Florida 32168

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

Dr. Jack Funkey
100 Clubhouse Circle
New Smyrna Beach, Florida 32168

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

DOCUMENT NUMBER-DATE

12263 DEC-25

FPSC-RECORDS/REPORTING

7318

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

3. The Sugar Mill Association is a customer of Florida Water Services Corporation (formerly Southern States Utilities). The Sugar Mill Association's members live in the Sugar Mill community of New Smyrna Beach. More than 600 households of the community are customers of Florida Water Services. 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. According to information received from the utility, if the Commission were to order refunds to some customers and fund it through surcharges imposed on others, some 638 customers within the Sugar Mill community would be forced to pay surcharges averaging \$568. This surcharge would be imposed on top of basic rates that are already among the highest rates for water and wastewater service in the state. This would be an onerous result and one which would place a severe hardship on the Association's members.


Ultimate Facts Alleged:

5. The Sugar Mill Association, Inc.'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. The Sugar Mill Association, Inc. adopts the brief submitted on November 5, 1997, by Marion Oaks Civic Association and the City of Keystone Heights.

WHEREFORE, the Sugar Mill Association, Inc. requests the Commission to enter an order authorizing it to intervene as a full party.



Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 222-2525

Attorneys for Petitioner,
Sugar Mill Association, Inc.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the **Sugar Mill Association, Inc.'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**:

Lila Jaber*
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Room 370G
Tallahassee, Florida 32399-0850

Arthur J. England, Jr.
Greenberg, Traurig, Hoffman,
Lipoff, Rosen & Quentel, P.A.
1221 Brickell Avenue
Miami, Florida 33131

Brian P. Armstrong
Matthew Feil
Florida Water Services Corporation
General Offices
1000 Color Place
Apopka, Florida 32703

Kenneth A. Hoffman
William B. Willingham
Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
215 South Monroe Street, Suite 420
Post Office Box 551
Tallahassee, Florida 32302

Kjell W. Petersen, Director
Marco Island Civic Association
418 South Barfield Drive
Marco Island, Florida 33937-5142

Russell D. Castleberry
County Attorney
Putnam County
Post Office Box 758
Palatka, Florida 32178-0758

Harry C. Jones, P.E., President
Cypress & Oak Villages Association
91 Cypress Boulevard, West
Homosassa, Florida 32646

Michael B. Twomey
Post Office Box 5256
Tallahassee, Florida 32314-5256

Darol H. N. Carr
David Holmes
Farr, Farr, Emerich, Sifrit,
Hackett & Carr, P.A.
2315 Aaron Street
Post Office Box 2159
Port Charlotte, Florida 33949

Susan W. Fox
MacFarlane, Ferguson & McMullen
Post Office Box 1531
Tampa, Florida 33601

Larry M. Haag
County Attorney
111 West Main Street, Suite B
Inverness, Florida 33450-4882

Charles J. Beck
Deputy Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

Charles R. Forman
320 Northwest 3rd Avenue
Ocala, Florida 34475

Michael S. Mullin
Post Office Box 1563
Fernandina Beach, Florida 32304

Arthur I. Jacobs
Post Office Box 1110
Fernandina Beach, Florida 32305-1110



Joseph A. McGlothlin