



Board of County Commissioners

ORIGINAL

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December 10, 1997

Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: DOCKET NO. 920199-WS - 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)

Ladies and Gentlemen:

The Board of County Commissioners of Citrus County, Florida became involved in the above Docket in 1992 when it appeared that the Public Service Commission and Southern States Utilities were about to embark on a utility structure known as uniform rates which the Board felt was illegal and unfair to certain ratepayers residing in Citrus County; particularly those located in the community of Sugarmill Woods. Ultimately, the First District Court of Appeal sided with Citrus County that uniform rates were not justified in the above referenced case. The Public Service Commission, in accordance with the mandate of the First District Court of Appeal, ordered refunds to be paid by the utility to those who had been overcharged under uniform rates. It is now apparent that following a second appeal of this issue that the Public Service Commission is about to surcharge certain ratepayers in order to make refunds to others. Had this result been known to the Board of County Commissioners in 1992 we certainly would have never become involved in this case for it has not only pitted ratepayer against ratepayer as a result of uniform rates, but now stands to do the same again with respect to refunds and surcharges.

Contrary to the Supreme Court's opinion in GTE Florida, Inc. vs. Clark and the recent opinion rendered by the First District Court of Appeal in this case, the Board feels that the utility should be the one refunding the ill-gotten gains from uniform

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Florida Public Service Commission
December 10, 1997
Page Two

rates not other ratepayers who are already paying an exorbitant amount for water and wastewater services. The utility had a choice to make when the first appeal was taken to withhold implementing uniform rates until such time as the validity of uniform rates was determined by the First District Court of Appeal. The utility chose not to do so and has now created this quagmire of legal issues.

While the position of the Board is contrary to the District Court of Appeal's decision and contrary to GTE of Florida, Inc. vs. Clark, we would recommend that the Public Service Commission seek appropriate relief from the Legislature in order to reverse the impact of said decisions with respect to this case. Surely, it was not the intent of the Supreme Court in GTE Florida, Inc. vs. Clark for surcharges to be implemented in such an unequitable manner. The Commission should therefore table this issue pending possible legislative relief from the application of GTE Florida, Inc. vs. Clark to the facts of this case.

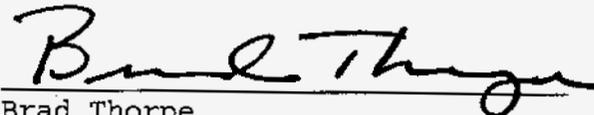
Respectfully submitted,



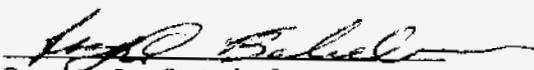
Gary Bartell
Chairman
Commissioner - District 2



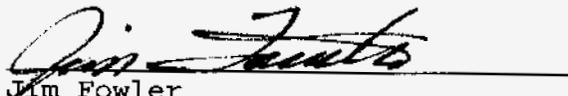
Vicki Phillips
First Vice Chairman
Commissioner - District 3



Brad Thorpe
Second Vice Chairman
Commissioner - District 5



Roger O. Batchelor
Commissioner - District 1



Jim Fowler
Commissioner - District 4

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