

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for)	DOCKET NO. 921098-WS
certificates to provide water)	FILED: April 9, 1998
and wastewater service in)	
Alachua County under grandfather)	
rights by TURKEY CREEK, Inc. &)	
FAMILY DINER, INC. d/b/a TURKEY)	
CREEK UTILITIES)	
_____)	

MOTION FOR ORDER TO SHOW CAUSE

The citizens of the state of Florida , through their attorney, the Public Counsel, pursuant to Section 350.0611, Florida Statutes, and Rule 25-22.028, F.A.C., hereby move the Public Service Commission to order Turkey Creek Utilities to show cause why it should not be fined \$500 per day until it is in full compliance with Order No. PSC-96-1526-FOF-WS. As grounds the Citizens submit:

1. The issues involved herein have a long history, going back to Order No. PSC-93-0229-FOF-WS(PAA), which ordered, inter alia, Turkey Creek to reduce its rates on February 10, 1993. Turkey Creek protested the PAA.

2. A second PAA, Order No. PSC-93-0816-FOF-WS, ordered a refund and was also protested by the utility.

3. In response to the two protests, the commission scheduled a hearing to be held on November 3, 1993. Prior to the hearing date Turkey Creek sold the utility system to the city of Alachua and withdrew its protests. The two orders were then made final through Order No. PSC-93-1769-FOF-WS on December 3, 1993. Turkey Creek appealed that final order, but the First District Court affirmed the Commission's order.

4. On September 6, 1995, the Commission issued Order No. PSC-95-1101-FOF-WS, requiring Turkey Creek to show cause why it should not be fined \$5,000 for not complying with the

DOCUMENT CONTROL DATE

04-106 APR-98

17 11 13

earlier orders. Turkey Creek sought the Commission to defer the proceeding, and also sought declaratory relief from the order through the Eighth Circuit Court.

5. The Commission rejected the request for deferral and proceeded with the Show Cause. Turkey Creek then responded to the Show Cause and made an offer of settlement of the issues .

6. On March 11, 1996, the Commission issued Order No. PSC 96-0350-FOF-WS, which imposed a \$5,000 fine, to be suspended if Turkey Creek escrowed \$42,000 for anticipated refunds.

7. Turkey Creek's declaratory relief action was dismissed by the Eighth Circuit on March 5, 1996. Turkey Creek petitioned for reconsideration, and was denied by the Court on June 24, 1996.

8. Turkey Creek appealed Order No. PSC-96-0350-FOF-WS and offered another settlement which would have removed its obligation to pay the fine or interest. By Order No. PSC-96-1526-FOF-WS, the Commission rejected Turkey Creek's offer of settlement.

9. The Public Counsel has made an attempt to negotiate an acceptable resolution to this controversy with the utility's former owner, but has been unsuccessful. In the meantime various identified obligations remain outstanding.

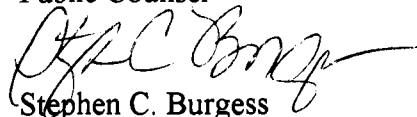
10. The Citizens are concerned that a significant portion of the obligation has been outstanding for years, yet no end appears imminent. Money which rightfully belongs to the customers continues to be held by the former utility owner.

11. Accordingly, the Citizens recommend that the Commission require the former owner to show cause why he should not be fined on an ongoing basis until the obligation is fully satisfied. Specifically, the Citizens believe the former owner should be fined \$1,000 per day until he fulfills the entire outstanding obligation.

WHEREFORE, the Citizens of the State of Florida move this Commission to require Mr. Norwood Hope, as former owner of Turkey Creek Utilities, Inc., to show cause why he should not be fined \$1,000 per day until he has fully completed his obligation as specified in Orders No. PSC-93-1769-FOF-WS, No. 96-0350-FOF-WS, and No. 96-1526-FOF-WS.

Respectfully Submitted,

Jack Shreve
Public Counsel



Stephen C. Burgess
Deputy Public Counsel

Office of the Public Counsel
c/o The Florida Legislature
111 West Madison Street
Tallahassee, Florida 32399-1400
(850) 488-9330

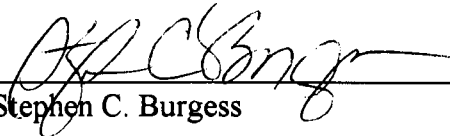
Attorneys for the Citizens
of the State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 921098-WS**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished by U.S. Mail or (*)hand delivery to the following parties this 9th day of April, 1998.

Ralph Jaeger, Esquire*
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Norwood W. Hope
2900 Turkey Creek Boulevard
158 Turkey Creek
Alachua, Florida 32615-9513



Stephen C. Burgess



JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison St.
Room 812
Tallahassee, Florida 32399-1400
850-488-9330

April 9, 1998

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Docket No. 921098-WS

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Citizens' Motion for Order to Show Cause and Notice of Intervention in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Stephen C. Burgess
Deputy Public Counsel

T. ...
APR 10 1998

- ACK _____
- AFA _____
- APP _____
- CAF _____ SCB/dsb
- CMU _____ Enclosures
- CPD _____
- EDD _____
- LEA _____
- LEB _____
- LEF _____
- LEG _____
- LEH _____
- LEI _____
- LEJ _____
- LEK _____
- LEL _____
- LEM _____
- LEO _____
- LEP _____
- LEQ _____
- LER _____
- LES _____
- LET _____
- LEU _____
- LEV _____
- LEW _____
- LEX _____
- LEY _____
- LEZ _____

*Yandrews
Dig NO1 to
Brad*

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

Show cause
DOCKET NO. 921098-WS
04106 04-09-98