

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re Application for Staff-assisted rate case in Polk County by Beiber Enterprises d/b/a Breeze Hill Utilities.

DOCKET NO. 990356-WS

FILED: December 28, 1999

PETITION FOR FORMAL HEARING

by

KENNETH WANKOWSKI and CHARLIE SHEPPARD

Charlie Sheppard and Kenneth Wankowski (Petitioners), pursuant to the provisions of Order No. FSC-99-2394-FOF-WS; Rule 28-106.201, Florida Administrative Code, Chapter 12 and Chapter 367, Florida Statutes, petition the Florida Public Service Commission (Commission) as follows:

This Petition is intended to conform with the provisions of Rule 28-106.201(2), F.A.C., the provisions of which are set forth in italics below:

(a) The name and address of each agency affected and each agency's file or identification number, if known:

The agency affected is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The Agency's docket number is Docket No.

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(b) The name, address, and telephone number of the petitioners, the name, address and telephone number of the petitioners representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioners' substantiated interest will be affected by the agency determination.

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Done 01/03/2000

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

3. Petitioners' names and addresses are: Charlie Sheppard, 145 Breeze Hill, Lake Wales, FL, 33853-7300; Kenneth Wankowski, 147 Breeze Hill, Lake Wales, FL, 33853-7300 the Petitioners' substantial interests are affected because they are customers of the above captioned utility, and because the referenced order overstates the utility's rate base, resulting in recurring monthly rates in excess of what Florida Law permits;

(c) A statement of when and how the petitioners received notice of the agency decision;

4. Petitioners received notice of the proposed agency decision by receipt of a copy of PSC-99-2394-FOF-WS sent to Petitioners by the Commission;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate:

5. Petitioners dispute the following issues of material fact which the Proposed Agency Action purportedly resolves adversely to Petitioners:

- The operating expenses of the utility are over stated;
- The rate base of the utility is overly stated;
- The recurring rates approved therein are excessive

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioners contends warrant reversal or modification of the agency's proposed action;

6. Petitioners reiterate the items immediately above.

(f) A statement of the specific rules or statutes the petitioners contends require reversal or modification of the agency's proposed action;

Wherefore, Petitioners demand the relief identified in the body of this petition, rely upon the allegations as set forth therein, demand a formal hearing under Sections 120.569 and 120.57(1), F. S., and petition for such other relief as may be appropriate in the premises

Respectfully Submitted



CHARLIE SHEPPARD
145 BREEZE HILL
LAKE WALES, FLORIDA
33853-7300

Customer of Breeze Hill Utilities

**CERTIFICATE OF SERVICE
DOCKET NO. 96054S-WS**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail in
due delivery to the following parties on this December 28, 1999

Charlie Sheppard
Charlie Sheppard

Mr. James E. ... Esq.
Mr. ...
...
... (85)

Paul Barber
182 Breeze Hill
Lake Wales, FL
33853