



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

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April 24, 2000

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. 990080-WS

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of Citizens Response to Motion for Reconsideration for filing 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

SCB/dsb
Enclosures

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CAF
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OTR
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DOCUMENT NUMBER-DATE

05054 APR 24 8

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and request)
for hearing by Linda J. McKenna)
and 54 petitioners regarding)
unfair rates and charges of)
Shangri-La by the Lake)
Utilities, Inc. in Lake County.)
_____)

DOCKET NO. 990080-WS
FILED: April 24, 2000

**CITIZENS RESPONSE TO
MOTION FOR RECONSIDERATION**

The Citizens of the State of Florida, through their attorney, the Public Counsel, pursuant to Rules 25-22.0376(2), and 28-106.103, Florida Administrative Code, hereby file this response to the Motion for Reconsideration of Order No. PSC-00-0629-PCO-WS, filed on April 10, 2000, by Shangri-La by the Lake Utilities, Inc. (Shangri-La). The Citizens submit:

ORDER OF TESTIMONY

1. As to paragraphs 1 through 4 of Shangri-La's motion, the Citizens voluntarily agree to "trade places" with the utility for the purpose of providing testimony. The Citizens are willing to stipulate to go forward with the initial presentation of evidence on all issues raised in their protest. The Citizens suggest that if the Commission simply accepts this procedural stipulation, it would resolve any controversy without the need for the PSC to arrive at a legal determination on the issue.

BURDEN OF PROOF

2. As to paragraphs 5 through 7 of Shangri-La's motion, the Citizens submit that in light of an agreement on the order of testimony, the Commission at this time need not determine who has the ultimate burden of proof in this case. A preliminary decision on the burden of proof is only necessary as that decision may bear on the order of testimony. If the order of testimony is resolved amicably, the Commission need not consider the ultimate burden of proof until the end of the proceedings. The

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Citizens suggest that to be the more appropriate time for the Commission to consider this question.


3. It should be noted that Shangri-La, the OPC and PSC Staff have already engaged in some initial steps aimed at settlement of the case. Should this case be settled, the Commission will not need to arrive at a conclusion on the ultimate burden of proof. As Shangri-La itself suggests in its paragraph 7, resolution of this issue can be elusive and time-consuming. The Citizens suggest that the Commission avoid potentially needless deliberation to resolve a controversy that may never arise.

4. If, as recommended in this Response, the Commission adopts a stipulation in the order of testimony and defers ruling on burden of proof until the end of the proceedings, oral argument on Shangri-La's motion would be unnecessary and inappropriate.

WHEREFORE, the Citizens urge the Commission to (1) adopt a stipulation on the order of testimony; (2) defer, without prejudice, a ruling on the burden of proof and (3) deny oral argument on Shangri-La's Motion.

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. 990080-WS**

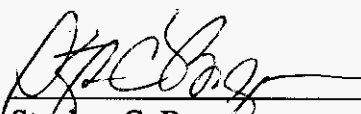
I HEREBY CERTIFY that a true and correct copy of the foregoing Citizens Response to Motion for Reconsideration has been furnished by U.S. Mail or *hand delivery to the following parties, this 24th day of April, 2000.

David (Tyler) VanLeuven, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301

Linda J. McKenna
5 Tarkin Hill Road
Raymond, ME 04071

Shangri-La by the Lake Utilities, Inc.
11654 Long Lake Drive
Sparta, MI 49345



Stephen C. Burgess
Deputy Public Counsel