

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Rate Increase)
in Martin County by SAILFISH POINT)
UTILITY CORPORATION)

Docket No.: 900816-WS
Submitted
for filing: March 21, 1991

UTILITY OBJECTION TO
PETITION FOR LEAVE TO INTERVENE
BY SAILFISH POINT PROPERTY OWNERS REPRESENTATIVES
AND CHARLES R. BUCKRIDGE

**ORIGINAL
FILE COPY**

Sailfish Point Utility Corporation, Petitioner for a rate adjustment in the above styled proceeding, files this Objection to the Petition for Leave to Intervene by Sailfish Point Property Owners Representatives (SPOR) and Charles R. Buckridge, and in support thereof states that:

1. In general, the Utility does not object to an intervention by its customers in this rate proceeding.

2. However, the self-styled Sailfish Point Property Owners Representatives (SPOR) and Mr. Buckridge served their Petition to Intervene on the same day (March 15, 1991) that the Office of

ACK _____ Public Counsel (OPC) also served its Notice of Intervention
AFA 1 pursuant to §357.061 Florida Statutes, ". . . to provide legal
APP _____
CAF _____ representation for the people of the state" These
CMU _____ individuals have been the procuring cause of getting the Office of
CTR _____ Public Counsel to intervene in this case. At least some of these
EAG _____
LEG 1 w/m individuals, and their attorney, have met in person and by
LIM 6 telephone with counsel for the Office of Public Counsel in
OPC _____ preparation of the intervention by OPC. If the OPC represents the
RCO _____
SEC 1 utility customers, there does not appear to be authority for Mr.
WAS 2 Buckridge and his group to intervene separately, and the Utility
OTH _____

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objects to the dual representation and intervention. Neither this group of individuals nor Mr. Buckridge has any interest separate and distinct from the customers as a whole, and their intervention will unnecessarily increase the rate case expenses. The bare allegation in the Petition for Leave to Intervene that "The facts relevant to these issues are particularly within the knowledge of Petitioners . . ." indicates that the 12 property owners may be appropriate as witnesses but not as parties to this proceeding separate and apart from the Office of Public Counsel.

3. There is no indication that SPOR or Mr. Buckridge are authorized to act for any group; they are not authorized to represent the property owners association (POA) or its general membership; there is no resolution of "SPOR" or of any entity authorizing them to petition to intervene; there is no authorization for them to represent any customer of the utility. And the Petition contains no allegations that they are so authorized. These are merely twelve individuals, (hereby assumed to be utility customers), who will add significantly to this proceeding's rate case expenses which must be included in rates charged to all of the Utility's customers.

4. Furthermore, the Utility must state that it disagrees with the speculations, hypothecations and allegations made in SPOR's Petition as grounds for granting leave to intervene. Neither the Utility, the developer nor anyone else is or has been compelled to convey the Utility or any of its assets to either "SPOR", the 12 property owners, or the development's lawfully

constituted property owners association (POA). There is a reservation of rights by the developer to convey utility assets to one of several entities, but such reservation is exclusive to the developer and is misconstrued and misstated by the SPOR petitioners.

5. The Utility is not exempt from PSC jurisdiction. If such an assertion had any credence at all, the appropriate time to have raised it was in the certification proceedings where the Utility was granted certificates 394-W and 335-S by Order No. 11673 issued by the Commission on March 4, 1983 in Docket No. 810277-WS. In that same proceeding the Utility was authorized to continue charging the rates in effect prior to the Commission obtaining jurisdiction in Martin County. The utility customers have paid the Commission-approved rates for years.

WHEREFORE, Sailfish Point Utility Corporation objects to the Petition for Leave to Intervene by Sailfish Point Property Owners Representatives and Mr. Buckridge, and requests that it be denied.

Respectfully submitted this 21st day of March, 1991.



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Attorney for
Sailfish Point Utility Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to Mr. Stephen C. Reilly, Office of Public Counsel, 111 West Madison Street, 812 Claude Pepper Building, Tallahassee, FL 32399-1400, Wm. Reeves King, Esq., 500 Australian Avenue So., Suite 600, Clearlake Plaza, West Palm Beach, FL 33401, and Catherine Bedell, Esq., Florida Public Service Commission, Division of Legal Services, 101 East Gaines Street, Tallahassee, FL 32399-0873 by U.S. Mail, this 21st day of March, 1991.



Ben E. Girtman