

9



JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400
904-488-9330

ORIGINAL
FILE COPY

August 21, 1992

Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Docket No. 920199-WS

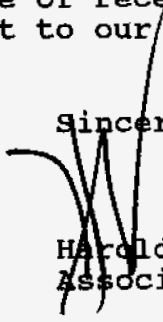
Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are the original and 15 copies of Citizens' Petition for Full Commission Assignment.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

ACK _____
AFA 3 _____
APP _____
CAF _____
CMU _____
Enclosure OTR _____
EAG _____
LES 1 w/m _____
LIN 4 _____
OPR _____
ROR _____
SEC 1 _____
WAS _____
OTH _____

Sincerely,


Harold McLean
Associate Public Counsel

RECEIVED & FILED

88
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
09500 AUG 21 1992
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In Re: 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))

Docket No. 920199-WS

Filed: August 21, 1992

PETITION FOR FULL COMMISSION ASSIGNMENT

The Citizens of the State of Florida, by and through JACK SHREVE, Public Counsel, petition the Florida Public Service Commission (commission) for assignment of the full commission to this docket, and as grounds therefore say:

1. This petition is filed under the provisions of Section 350.01(6), Florida Statutes (1991), which provide:

A majority of the commissioners may determine that the full commission shall sit in any proceeding. The public counsel or a person regulated by the Public Service Commission and substantially affected by a proceeding may file a petition that the proceeding be assigned to the full commission. Within 15 days of receipt by the commission of any petition or

DOCUMENT NUMBER-DATE 303
09500 AUG 21 1992
FPSC-RECORDS/REPORTS

application, the full commission shall dispose of such petition by majority vote and render a written decision thereon prior to assignment of less than the full commission to a proceeding. In disposing of such petition, the commission shall consider the overall general public interest and impact of the pending proceeding, including, but not limited to the following criteria: the magnitude of a rate filing, including the number of customers affected and the total revenues requested; the services rendered to the affected public; the urgency of the requested action; the needs of the consuming public and the utility; value of service involved; the effect on consumer relations, regulatory policies, conservation, economy, competition, public health, and safety of the area involved. If the petition is denied, the commission shall set forth the grounds for denial.

2. The office of Public Counsel is among the interests upon which standing is conferred to file this petition;
3. According to the tentative terms of the Case Assignment and Scheduling Record, Chairman Thomas Beard and Commissioners Betty Easley and Susan Clark are to be assigned to this docket;
4. The Application filed in this docket requests more than 8.6 million dollars (\$8,600,000.00) which represents a 40% increase in water revenues and 49% increase in wastewater revenues, with similar percentage increases in customers' bills; the impact on individual customers exceeds that typical of electric or telephone cases to which the full commission is often assigned;

5. The Applicant is the largest water and sewer provider by any measure regulated by this commission;
6. Regulatory policies established, followed, or reversed in this docket may have a profound effect on future cases before the commission;
7. On August 18, 1992, the full commission approved a 7.3 Million dollar (\$7,300,000.00) interim increase after extensive discussion in which each commissioner participated, including the two who will have no voice in the final rates if the full commission is not assigned.
8. The importance and magnitude of this case, and its impact upon individual customers require the assignment of the full commission for resolution of the issues presented therein.
9. The language of Rule 25-22.0355, Florida Administrative Code is purely advisory in nature in that it permits *but does not compel* the commission to consider timeliness of this petition¹.
10. Any risk that an assignment of this application to the full commission would occasion a delay of the case beyond the time at which the applicant could place its requested rates into effect under bond is minimal: the interim rates awarded by the commission on August 18, 1992, comprise 87% of the applicant's requested

¹ Rule 25-22.0355 provides in part: Failure to file pleadings timely, and in the manner specified herein, *may* be considered just cause for denial of such pleadings. (italics added)

rates.

WHEREFORE: the Citizens petition the Commission and each commissioner for assignment of the full commission to this docket.

Respectfully submitted,



Harold McLean
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Attorney for the Citizens
of the State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 920199-WS**


I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 21st day of August, 1992.

Ken Hoffman
Messer, Vickers, Caparello,
Madsen, Lewis, Goldman & Metz
215 S. Monroe St., Suite 701
P.O. Box 1876
Tallahassee, FL 32302-1876

Chuck Hill
Division of Water & Sewer
Fla. Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

Mat Feil
Division of Legal Services
Fla. Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

Brian Armstrong
Southern States Utilities
General Offices
1000 Color Place
Apopka, FL 32703



Harold McLean
Associate Public Counsel