

DOCKET NO. 94 0647-EM

REQUEST TO ESTABLISH DOCKET

Date 06/15/94

1. Division Name/Staff Name DIVISION OF APPEALS (HELTON) *Mat*

2. OPR APP

3. OCR EAG

4. Suggested Docket Title PETITION OF ROBERT A. SARLES FOR DECLARATORY STATEMENT CONCERNING ^{by} GAINESVILLE REGIONAL UTILITIES' 10% SURCHARGE

5. Suggested Docket Mailing List (attach separate sheet if necessary)

A. Parties (Provide names of regulated companies or use abbreviation from list below if Parties should include all regulated companies in one or more industries; provide names and addresses of nonregulated companies; provide names, addresses, and affiliation (i.e., attorney, company liaison officer, or customer) of individuals.)

GRU
~~_____~~

B. Interested Persons/Companies (Provide names, complete mailing addresses, and affiliation. Use abbreviation from list below if Interested Persons should include all regulated companies in one or more industries.)

REGULATED INDUSTRIES

Investor-Owned Electrics	(EI)	Water Utilities	(WU)
Electric Cooperatives	(EC)	Local Exchange Telephone Cos.	(TL)
Municipal Electrics	(EM)	Interexchange Telephone Cos.	(TI)
Gas Utilities	(GU)	Coin-Operated Telephone Cos.	(TC)
Wastewater Utilities	(SU)	Shared Tenant Telephone Cos.	(TS)
		Alternate Access Vendors	(TA)

6. Check One:

- Documentation attached.
- Documentation will be provided with recommendation.

FLORIDA PUBLIC SERVICE COMMISSION

Wanda L. Terrell

Division of Appeals

101 East Gaines Street ♦ Tallahassee, Florida 32399-0862
(904) 488-7464

TO: RAR

The attached was sent to Appeals for handling. Please docket it since it is a petition for declaratory statement. Apparently, it was sent directly to EAG.

Thank you.



FLORIDA PUBLIC SERVICE COMMISSION

JoAnne Jackson

Administrative Assistant - Division of Records & Reporting
101 East Gaines Street ♦ Tallahassee, Florida 32399-0870
(904) 488-8371

Wanda -
In order for us to know what to call this, please complete a request to establish docket form, ESTDKT, on your I: drive, as the letter refers to a meter and master meter matter, in addition to the electric meter referred to in the petition.
Thank you!

JD

9323 S. W. 8th Avenue
Gainesville, FL 32607

May 10, 1994

RECEIVED

MAY 13 10 27 AM '94

Florida Public Service Commission
Division of Electric and Gas
Fletcher Building
101 East Gaines Street
Tallahassee, FL 32399-0850

ADMINISTRATION
MAIL ROOM

Dear Sirs:

I am writing you with regard to two matters that concern me greatly.

First I am very concerned that we have utilities in the State of Florida that are not in any way regulated by the PFC or similar state consumer agency. My concern comes from several areas that I will briefly explain.

My wife and I own a small house in Key West that we rent. Four or so years ago we asked our tenant to ask the City of Key West to bill her directly for waste pick-up and sewage which were the only utilities for which she was not paying. She sent us a form to sign and we thought that the matter was taken care of. Last year we found out from a neighbor that these two accounts were eighteen months behind. We contacted the City of Key West to find out that we had to pay all unpaid amounts plus fines and penalties amounting to more than \$1600.

I would hope you would agree with me that this is gross mismanagement and that this type of consumer abuse would not happen to a consumer of a regulated utility. We were never contacted by the City of Key West once during this period. They never have missed sending our property tax bill. We tried for months to find someone who would help us. We never did. The Mayor and city commission admitted it was a bad situation but we have to pay. The state legislators down in Key West could care less because we do not vote for them. Their counter parts in Gainesville did not even respond to our letter. WE NEED STATE REGULATION OF ALL UTILITIES FOR CONSUMER PROTECTION.

My second concern is the City of Gainesville and Gainesville Regional Utilities (GRU). We live on the west side of Gainesville and have lived here for six years since moving from Hawthorne. We used to have Clay Electric service and were very pleased with the rates and continuity of service.

To: Kummer -
From: Jenkins - 5/13
Please have someone
from Legal or G.C.
reply as a petition
is attached.

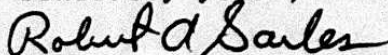
The City of Gainesville (and GRU) want to take over all utilities in Alachua County. After many years of their games, Clay Electric was forced to ask you (the PSC) for help in determining service areas to hopefully eliminate GRU from grabbing all the subdivisions all over the county. As the result, we are now on GRU.

We are charged a utility tax on our electric bill by Alachua County. We are also charged a surcharge (10%) by GRU. GRU does not need the money generated by the surcharge to operate with or it would not give \$20 million dollars to the city every year. We did not ask GRU to build lines miles outside the city limits. We got better service with Clay Electric and did not have a surcharge. GRU management officials have told me that they are regulated by the PSC which is a lie. I believe your only role, as I understand it, is to act in matters that discriminate against any group of rate payers. Like our situation with the City of Key West, who do we turn to for help?

I ask that you respond to the enclosed Petition for Declaratory Statement as it relates to county residents being charged a surcharge by a body with which we residents have no representation. I also ask that you bring to the state legislature and the Governor's office a request that all utility consumers in the State of Florida be represented by the PSC or a similar organization to solve these and other consumer problems.

I look forward to your assistance with this matter and thank you for your time.

Sincerely yours,



Robert A. Sarles

RS/js

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re:

Gainesville Regional Utilities
10% Surcharge

DOCKET NO.:
ORDER NO.:
ISSUED:

PETITIONS FOR DECLARATORY STATEMENT

COMES NOW, Robert A. Sarles, pursuant to Florida Administrative Code, Rule 25-22.020, and respectfully petitions the Florida Public Service Commission for a declaratory statement as to the applicability of Florida Public Service Commission Rule 25-9.0525 (municipal surcharge on customers outside municipal limits). In support of this petition, Petitioner submits the following information for Commission's consideration in reaching a decision on the impact of said rule upon Petitioner:

1. Petitioner, Robert A. Sarles, resides at 9323 SW 8th Ave, Gainesville, which is in the unincorporated area of Alachua County, Florida.

2. Petitioner resides in the electric service area of the Gainesville Regional Utilities, a municipal utility, providing electric, gas, water and sewer service in the incorporated area in the City of Gainesville and in the unincorporated areas of Alachua County.

3. Gainesville Regional Utilities levies a surcharge of ten percent (10%) on subscribers for electric services who reside in the unincorporated areas of Alachua County.

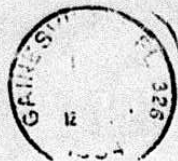
4. The City of Gainesville imposes a public utility tax of ten percent (10%) of the amount of electric bills of residents of the City of Gainesville.

5. Alachua County, a charter county and political subdivision of the State of Florida, levies a ten percent (10%) tax on all utilities provided outside municipal boundaries in Alachua County.

6. Florida Public Service Commission Rule 25-9.0525, authorizes a municipal electric utility to impose on customers outside its corporate limits a surcharge equal to the public service tax charged by the municipality within its corporate limits as long as "the surcharge does not result in a payment by any customer for services received outside of the city limits in excess of that charge they charged a customer of the same class within the city limits" (emphasis added).

7. The imposition of the surcharge by Gainesville Regional Utilities on electric customers outside the City of Gainesville corporate limits creates a rate structure that is subject to regulation by the Public Service Commission. Said rate structure

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Florida Public Service Commission
Division of Electric and Gas
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causes a discriminatory impact on petitioner by causing petitioner and electric utility subscribers in the unincorporated areas of Alachua County to pay ten percent (10%) more for their electric service than customers of the same class who reside inside the corporate limits of the City of Gainesville.

8. Petitioner requests an order from the Public Service Commission declaring that the rate structure of the Gainesville Regional Utilities violates the provisions Florida Public Service Commission Rule 25-9.0525, by causing a discriminatory impact on Gainesville Regional Utility electric subscribers who reside in the unincorporated area.

Respectfully submitted this 10th day of May,
1994.

By: Robert A. Sarles
Robert A. Sarles