

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In re: Application for a rate)
increase for Orange-Osceola)
Utilities, Inc. in Osceola County,)
and in Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval,)
Highlands, Lake, Lee, Marion,)
Martin, Nassau, Orange, Osceola,)
Pasco, Putnam, Seminole, St. Johns,)
St. Lucie, Volusia, and Washington)
Counties by Southern States)
Utilities, Inc.)

Docket No. 950495-WS

Filed: March 12, 1996

REQUEST TO SCHEDULE EVIDENTIARY HEARING

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, joined by Amelia Island Community Association, Residence Condominium, Residence Property Owners Association, Amelia Retreat Condominium Association, Amelia Surf and Racquet Property Owners Association and Sandpiper Association ("Nassau Associations"), by and through Arthur I. Jacobs, their attorney, the Concerned Citizens of Lehigh Acres ("Lehigh Acres") Sugarmill Woods Civic Association, Inc. ("Sugarmill Woods"), Spring Hill Civic Association, Inc. ("Spring Hill"), Marco Island Civic Association, Inc. ("Marco Island"), Harbour Woods Civic Association ("Harbour Woods"), and the Board of Supervisors of the East County Water Control District ("East County Water Control District"), by and through Michael B. Twomey, their attorney, request the Commission to schedule an evidentiary hearing on the motion to dismiss filed today.

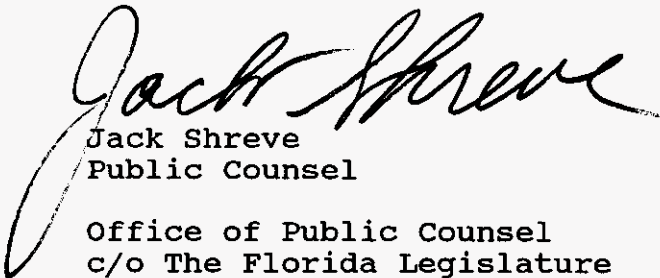
1. The motion to dismiss filed today requests the Commission to dismiss the application for a rate increase of Southern States Utilities, Inc. ("Southern States") because of misconduct by Southern States interfering with the due process rights of the parties.

2. Under the case of Jennings v. Dade County, 589 So.2d 1337, 1342 (Fla. 3d D.C.A. 1991), the movants are entitled to an evidentiary hearing on the motion.

3. Although the Commission has already heard considerable evidence under oath from the public supporting portions of the motion to dismiss, it will be necessary to serve subpoenas to compel the attendance of other witnesses at an evidentiary hearing. The Citizens, Nassau Associations, Lehigh Acres, Sugarmill Woods, Spring Hill, Marco Island, Harbour Woods, and East County Water Control District request the Commission to issue a schedule sufficiently in advance of an evidentiary hearing so that subpoenas may be served.

WHEREFORE, the Citizens, Nassau Associations, Lehigh Acres, Sugarmill Woods, Spring Hill, Marco Island, Harbour Woods, and East County Water Control District request the Commission to schedule an evidentiary hearing on the motion to dismiss filed today.

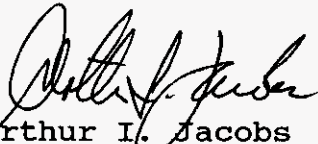
Respectfully submitted,



Jack Shreve
Public Counsel

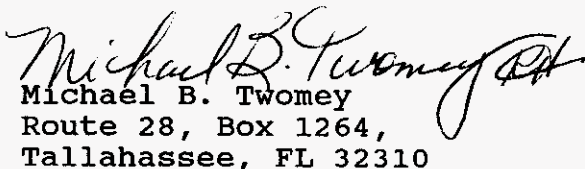
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Attorneys for the Citizens
of the State of Florida



Arthur I. Jacobs
P.O. Box 1110
Fernandina Beach, FL 32035-1110

Attorney for the Nassau Associations



Michael B. Twomey
Route 28, Box 1264,
Tallahassee, FL 32310

Attorney for Lehigh Acres, Sugarmill Woods,
Spring Hill, Marco Island, Harbour Woods, and
East County Water Control District

**CERTIFICATE OF SERVICE
DOCKET NO. 950495-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 12th day of March, 1996.


*Ken Hoffman, Esq.
William B. Willingham, Esq.
Rutledge, Ecenia, Underwood
Purnell & Hoffman, P.A.
P.O. Box 551
Tallahassee, FL 32302-0551

*Lila Jaber, Esq.
Division of Legal Services
Fla. Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Brian Armstrong, Esq.
Matthew Feil, Esq.
Southern States Utilities
General Offices
1000 Color Place
Apopka, FL 32703

Kjell W. Petersen
Director
Marco Island Civic Assoc.
P.O. Box 712
Marco Island, FL 33969

Larry M. Haag, Esq.
County Attorney
111 West Main Street
Suite B
Inverness, Florida 34450



Charles J. Beck
Deputy Public Counsel