



Southern States Utilities • 1000 Color Place • Apopka, FL 32703 • 407/880-0058

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April 18, 1996

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STATE RECORDS

Ms. Blanca S. Bayo
Florida Public Service Commission
Director of Records & Reporting
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. ~~900272-WS~~

Dear Ms. Bayo:

It has come to the attention of Southern States Utilities, Inc. ("SSU") that Michael Twomey, Esq. appeared on behalf of Collier County in the above-referenced docket on April 16, 1996 and apparently inferred that the Commission previously has determined that regulatory assessment fees were due to Hernando County, not the FPSC, as of the date of that County's passing an ordinance purportedly returning jurisdiction to the County over SSU's Spring Hill facilities in Hernando County.

Attached please find copies of the January 30, 1996 letter from Hernando County Attorney, Bruce Snow, Esq. to the Commission as well as the Commission's February 13 response from Rob Vandiver, Esq. Conspicuous in its absence from Mr. Vandiver's letter is the acknowledgment requested by Mr. Snow that "SSU does not owe to the PSC any regulatory fee on gross receipts collected within Hernando County from March 29, 1994" (the date the County purportedly passed its ordinance rescinding FPSC jurisdiction). We would like to be clear, Mr. Vandiver did not acknowledge to Hernando County that SSU does not owe regulatory assessment fees to the FPSC. In addition, we have attached a copy of a letter to SSU from the FPSC dated April 15, 1996 (the designation "WS685" relates to SSU's Spring Hill facilities in Hernando County). This letter demands payment from SSU to the FPSC for the regulatory assessment fees relating to our Spring Hill service area. SSU is caught in the middle as a mere stakeholder in this matter.

ACK _____
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WATER FOR FLORIDA'S **FUTURE**

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

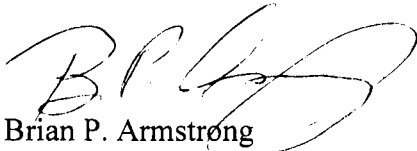
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FPSC-RECORDS/REPORTING

Finally, SSU remains incredulous that the Commission could attach any credibility to Mr. Twomey's assertions which so often have been established to be false (including assertions made on April 16 during the Commission's discussions in Docket No. 950495-WS in which Mr. Twomey conveniently did not remember his statements from approximately one month prior admitting that the Commissioners were not prejudiced or biased against his clients as a result of the letters received by the Commission from the Executive Department which Mr. Twomey continues to grossly mischaracterize).

If any further correspondence or pleadings are to pass between Collier County and the Commission, Southern States respectfully requests that we be provided copies thereof. Your assistance and cooperation in this regard, as always, would be appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B.P. Armstrong', written over a faint circular stamp or watermark.

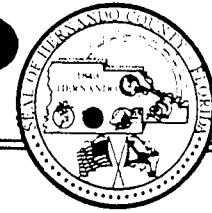
Brian P. Armstrong
General Counsel

dih/96L32

cc: Collier County Attorney's Office
Michael Twomey, Esq.

Board of County Commissioners

Hernando County



Robert Bruce Snow
County Attorney

20 N. Main Street, Room 462
Brooksville, FL 34601
(904) 754-4122
FAX (904) 754-4477

January 30, 1996

Robert Vandiver, Esq.
General Counsel
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Mr. Vandiver:

I enjoyed the opportunity to meet you at the House of Representative Committee meeting wherein the Public Service Commission (PSC) gave a status report to the House Committee on Southern State Utilities (SSU) regulatory issues.

As you are aware, Hernando County has adopted a Resolution on March 29, 1994 electing to be removed from the regulatory jurisdiction of the PSC. Subsequent to the adoption of said Resolution the PSC conducted an investigation to determine the PSC's jurisdiction over SSU in non jurisdictional counties based on providing service that transverses county boundaries. Said investigation was PSC Docket No.: 930945-WS. On July 1, 1994 the PSC entered an order determining that the PSC had jurisdiction over SSU in such non jurisdictional counties. Hernando County appealed said order to the First District Court of Appeal. Under the Florida Rules of Appellate Procedure, the appeal by a governmental body operated as an automatic stay of said PSC Order dated July 1, 1994.

Based on the above sequence of events, Hernando County contends that it currently has regulatory jurisdiction over SSU and that said jurisdiction began on the date the County adopted the Resolution, and has remained continuously from said date until the present. Obviously, at such time as the PSC Order dated July 1, 1994 should become a Final Order, having otherwise successfully withstood various challenges on appeal, then the PSC would once again have jurisdiction over SSU. However, until then, Hernando County has jurisdiction over SSU within Hernando County.

Mr. Robert Vandiver
General Counsel, PSC
January 30, 1996

The PSC has previously concurred in the above analysis as evidenced by the fact that the PSC dismissed Hernando County from SSU's 1995 rate case because of the fact that PSC did not have jurisdiction over SSU in Hernando County.

Hernando County has been attempting to collect from SSU its regulatory fee based on SSU's gross receipts within Hernando County during the period of Hernando County's jurisdiction. SSU has refused to pay the fee accrued during said period, alleging uncertainty as to the proper regulatory authority.

I would appreciate you writing me and acknowledging that the PSC does not currently have regulatory jurisdiction over SSU in Hernando County, and thus, confirming that Hernando County has had regulatory jurisdiction over SSU from the date of adoption of the Resolution and continuously until the current date. Your letter should also acknowledge that SSU does not owe to the PSC any regulatory fee on gross receipts collected within Hernando County from March 29, 1994.

Your expeditious response to this request will be greatly appreciated.

Very truly yours,



Robert Bruce Snow

RBS/shb

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA

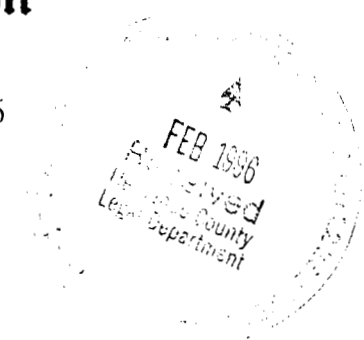


General Counsel
ROBERT D. VANDIVER
(904) 413-6248

13-40226

Public Service Commission

February 13, 1996



Mr. Robert Bruce Snow
County Attorney
Board of County Commissioners
20 North Main Street, Room 462
Brooksville, Florida 34601

Re: Southern States Utilities, Inc.'s (SSU) facilities in Hernando County

Dear Mr. Snow:

I am in receipt of your letter dated January 30, 1996. You are correct that Hernando County's appeal of Order No. PSC-95-0894-FOF-WS has resulted in an automatic stay. Accordingly, the Commission has not exercised any jurisdiction over SSU's facilities in Hernando County. The Commission has not processed any cases regarding those facilities nor any complaints since the date of the stay. Commission records indicate that Southern States Utilities, Inc. paid regulatory assessment fees for the first quarter of 1994 for Hernando County. They have paid nothing since that time.

Until the appeal is decided by the First District Court of Appeal, we recognize that we can not exercise any jurisdiction over the SSU facilities in Hernando County. I hope this letter responds to your concerns. If you have additional questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Vandiver".

Robert D. Vandiver
General Counsel

cc: James A. Ward
Deputy Executive Director/Adm.

Commissioners:

SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



WE TRIBBLE, DIRECTOR
DIVISION OF ADMINISTRATION
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0864
(904) 413-6330

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Public Service Commission

APR 17 1996

LEGAL DEPT.

April 15, 1996

WS685
Southern States Utilities, Inc.
1000 Color Place
Apopka, FL 32703-7753

DELINQUENT NOTICE - WATER & WASTEWATER UTILITY

According to the Commission's records, your 1995 Regulatory Assessment Fee Filing has not been received for the period ending December 31, 1995, which was due on March 31, 1996. This is to advise that pursuant to Florida Law, interest at 12% per annum, plus a 5% penalty for each 30-day period or fraction thereof up to a maximum of 25%, will be assessed against any delinquent amount due. A Regulatory Assessment Fee Return must be filed regardless of whether there are no revenues to report.

If your Regulatory Assessment Fee Filing is not received in this office by April 29, 1996, your certificate may be canceled and your account referred to the Commission's Division of Legal Services for appropriate action.

Should you have any questions, please contact Mrs. Lori Franklin at (904) 413-6267.

LF:rafn.mts