



ORIGINAL

March 17, 1999

Via Federal Express

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

99 MAR 18 AM 10:28
MAIL ROOM
RECEIVED
ATTORNEY GENERAL
SERVICE COMMISSION

Re: Docket No. 950495-WS -- Application by Southern States Utilities, Inc. for rate increase and increase in service availability charges 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.

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket please find an original and 15 copies of Florida Water Services Objections to Commission Staff's Second Set of Interrogatories on Remand and Motion for Protective Order.

Please acknowledge filing of this document by date stamping the enclosed copy of this letter and returning it in the self addressed, postage prepaid envelope provided herewith.

If you have any questions or comments regarding the above, please call me at (407) 880-0058, ext. 267

Sincerely yours,

Handwritten signature of Matthew J. Feil

Matthew J. Feil
Staff Attorney

RECEIVED & FILED
FPSC-BUREAU OF RECORDS

Enclosures

c: Parties of Record

- ACK
AFA 1
APP
CAF
CMU
CTR
EAG
EG 2
LIN 5
OPC
RCH
SEC 1
VAS
YTH

DOCUMENT NUMBER-DATE

03565 MAR 18 99

Florida Water Services Corporation / P.O. Box 609520 / Orlando, Florida 32860-9520 / Phone 407/880-0058

Water For Florida's Future

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by Southern States Utilities,)
Inc. for rate increase and increase in service)
availability charges for Orange-Osceola Utilities,)
Inc. in Osceola County, and in Bradford, Brevard,) Docket No. 950495-WS
Charlotte, Citrus, Clay, Collier, Duval, Highlands,)
Lake, Lee, Marion, Martin, Nassau, Orange,) Filed: March 17, 1999
Osceola, Pasco, Polk, Putnam, Seminole, St. Johns,)
St. Lucie, Volusia and Washington Counties.)
_____)

**FLORIDA WATER SERVICE CORPORATION'S
OBJECTIONS TO COMMISSION STAFF'S SECOND
SET OF INTERROGATORIES ON REMAND
AND MOTION FOR PROTECTIVE ORDER**

Florida Water Services Corporation ("Florida Water"), by and through its undersigned counsel, and pursuant to Rules 28-106.204 and 28.106.20-6, Florida Administrative Code and Rule 1.280(c), Florida Rules of Civil Procedure, hereby files its Objections to Commission Staff's ("Staff") Second Set of Interrogatories on Remand and moves for the entry of a Protective Order providing that Florida Water is not required to respond to Staff's discovery requests as outlined below. In support of its Objections and Motion for Protective Order, Florida Water incorporates the introduction section from Florida Water's Objections and Motions for Protective Orders filed on and after March 1, 1999, and further states as follows:

STAFF'S SECOND SET OF INTERROGATORIES ON REMAND

Interrogatory No. 5 states:

For each water or wastewater service area with mixed use, please

DOCUMENT NUMBER-DATE

03565 MAR 18 99

FPSC-RECORDS/REPORTING

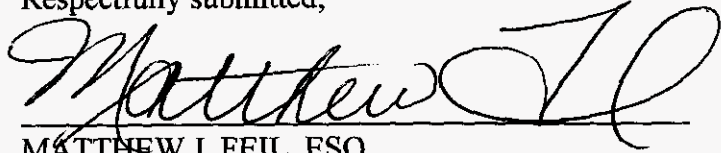
provide the utility's projected equivalent residential connections (ERCs) **at buildout**, in total and by type of customer (i.e., residential, commercial, multifamily, etc.), for the distribution and collection systems included in the minimum filing requirements filed for this case. [Emphasis added.]

Florida Water objects to this interrogatory on the ground that it seeks information outside the scope of the Southern States II remand. In Southern States II, the court allowed the Commission the opportunity, on remand, to justify its departure from its policy of rejecting the application of the lot count method to calculate used and useful percentages for water transmission and distribution lines and wastewater collection lines serving mixed use areas. The "build-out" ERC numbers requested by Staff inappropriately attempts to expand the scope of this remand proceeding beyond the minimum filing requirements ("MFRs") which form the basis for rate relief in the final order and must continue to do so on remand. "Build-out" ERCs are irrelevant to an evaluation of test year used and useful lines. The record in this proceeding includes Florida Water's MFRs which include information on test year customers by class, projected ERC numbers for the projected 1996 test year and maps and information displaying test year water and wastewater lines. The parties must be limited to the information provided in the MFRs. This remand proceeding should not be construed as a true-up proceeding or an avenue for interveners or staff to attempt to obtain additional adjustments beyond the scope of the two limited used and useful determinations which were reversed by the court.

WHEREFORE, for the reasons stated, Florida Water respectfully requests that the

Commission enter a protective order providing that Florida Water is not required to respond to Interrogatory No. 5 included in Staff's Second Set of Interrogatories on Remand.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew J. Feil". The signature is written in a cursive style with a large, stylized "M" and "F".

MATTHEW J. FEIL, ESQ.
BRIAN P. ARMSTRONG, ESQ.
Florida Water Services Corporation
P. O. Box 609520
Orlando, FL 32860-9520
(407) 880-0058

and

KENNETH A. HOFFMAN, ESQ.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, FL 32302
(850) 681-6788

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail to the following on this 17th day of March, 1999:

Lila Jaber, Esq.
Division of Legal Services
2540 Shumard Oak Boulevard
Gerald L. Gunter Building
Room 370
Tallahassee, FL 32399-0850

Ms. Anne Broadbent
President
Sugarmill Woods Civic Assoc.
91 Cypress Blvd., West
Homosassa, FL 34446

Charles J. Beck, Esq.
Office of Public Counsel
111 W. Madison Street, Rm. 812
Tallahassee, FL 32399-1400

Arthur I. Jacobs, Esq.
P. O. Box 1110
Fernandina Beach, FL 32305-1110

Michael B. Twomey, Esq.
P. O. Box 5256
Tallahassee, FL 32314-5256

Mr. Frank Kane
1208 E. Third Street
Lehigh Acres, FL 33936

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
117 S. Gadsden Street
Tallahassee, FL 32301

John R. Jenkins, Esq.
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301

Mr. Paul Mauer, President
Harbour Woods Civic Assoc.
11364 Woodsong Loop N
Jacksonville, FL 32225

Darol H.N. Carr, Esq.
David Holmes, Esq.
Farr, Farr, Emerich et al.
2315 Aaron Street
Port Charlotte, FL 33949

Larry M. Haag, Esq.
111 West Main Street, #B
Inverness, FL 34450

Charles G. Stephens, Esq.
1400 Prudential Drive, Suite 4
Jacksonville, FL 32207

Frederick C. Kramer, Esq.
950 North Collier Blvd., Suite 201
Marco Island, FL 34145


MATTHEW J. FEIL, ESQ.