## ORIGINAL

## BEFORE THE FLARIDA PUBLIC SERVICE COMMISSION

In Re Application for Staffassisted rate case in Polk County by Beiber Enterprises d/b/a Breeze Hill Utilities.

**DOCKET NO. 990356-WS** 

FILED: December 28, 1999

## PETITION FOR FORMAL HEARING by KENNETH WANKOWSKI and CHARLIE SHEPPARD

Charlie Sheppard and Kenneth Wankowski (Petitioners), pursuant to the provisions of Charles by FSC-99-2394-FOF-WS; Rule 28-106.201, Florida Administrative Code: Chapter 12 and Chapter 367, Florida Statutes, petition the Florida Public Service Commission (Commission as follows

This Pention is intended to conform with the provisions of Rule 28-106 201(2), F. A. C., the provisions of which are set forth in Italies below:

(4) The name and address of each azency affected and each agency's five or identification number, if known:

The agency affected is the Florida Public Service Commission, 2540 Shumard Oak Boule and Tallahussee, Florida 1:1390-0850. The Agency's anoker number is Blocket by

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(b) The name, address, and the periodic reads to of the petinamers, the name, address and selephone number of the periodical experimentative, if any, which shall be die caldress for solvers purposes during the three or the proceeding, and an explanation of how the petisionary's cut stained incress. It's eaffeired by the agency determination

Done of/03/2000

DOGUMENT NUMBER-DATE

FPSC-RECORDS/REPORTING

- Petitioners' names and addresses are: Charlie Sheppard, 145 Breeze Hill, Lake Wales, FL, 33853-7300; Kenneth Wankowski, 147 Breeze Hill, Lake Wales, FL, 33853-7300 the Petitioners' substantial interests are affected because the they are customers of the above captioned utility, and because the referenced order overstates the utility's rate base, resulting in recurring monthly rates in excess of what Florida Law permits;
  - © A statement of when and how the petitioners received notice of the agency decision:
- Petitioners received notice of the proposed agency decision by receipt of a copy of PSC-49-2394-FOF-WS sent to Petitioners by the Commission;
  - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate:
- 5. Petitioners dispute the following issues of material fact which the Proposed Agency Action purportedly resolves adversely to Petitioners:
  - The operating expenses of the utility are over stated;
  - The rate base of the utility is overly stated;
  - The recurring rates approved therein are excessive
  - (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioners contends warrant reversal or modification of the agency's proposed action;
- Petitioners reiterate the items immediately above.
  - if) A statement of the specific rules or statutes the politicipers contends require reversely or modification of the agency's proposed action,

- Chaper 367, Florida statutes (1999) provides that each utility subject to the jurisdiction of the commission shall be permitted only to recover its reasonably incurred costs and obtain only a fair return upon the investment insofar as those costs incurred and investment necessary to the provision of utility service to the public.
  - (g) A statement of the relief sought by the petitioners, stating precisely the action petitioners wishes the agency to take with respect to the agency's proposed action.
- Petitioners wish and demand that the Commission order an immediate reduction in the rates charged by Breeze Hill Utilities, and Petitioners demand an formal, evidentiary hearing under the auspices of Sections 120.569 and 120.57(1), Fla Stat
- 9. Petitioner Charlie Sheppard is authorized by Petitioner Kenneth Wankowski to execute this instrument on Mr. Wankowski's behalf, and on his own.

Wherefore, Petitioners demand the relief identified in the body of this petition, rely upon the allegations as set forth therein, demand a formal hearing under Sections 120.569 and 120.57(1), F. S., and petition for such other relief as may be appropriate in the premises

Respectfully Submitted

145 BREEZE HILL

LAKE WALES, FLORIDA

33853-7300

Customer of Breeze Hill Utilities

HEREBY CERTIFY that a copy of the foregoing has been formshood by 115. While to the delinery to the following parties on this Documber 28, 1990.

Charlie Sheffaul

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