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an



JACK SHREVE
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STATE OF FLORIDA
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c/o The Florida Legislature
111 West Madison Street
Room 812
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September 8, 1995

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

Re: Docket No. 950495-WS

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Second Motion to Dismiss and Citizens' Request for Oral Argument.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck
Charles J. Beck
Deputy Public Counsel

ACK
AFF 3
AJ
CJB:bsr
C
Enclosures
CT
EA
LEN 1
LIN 6
OPC
RCH
SEC 1
WAS *[Signature]*
OTH *[Signature]*
OFFICE OF RECORDS

Motion Dismiss
DOCUMENT NUMBER-DATE
08839 SEP-8 8
FPSC-RECORDS/REPORTING

Oral Argum.
DOCUMENT NUMBER-DATE
08840 SEP-8 8
FPSC-RECORDS/REPORTING

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: September 8, 1995

CITIZENS' SECOND MOTION TO DISMISS

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, move the Commission to dismiss the application of Southern States Utilities, Inc. ("SSU") for increased rates for failure to provide proper notice about the rate case to the public.

1. Commission rule 25-22.0407 requires the company to provide a copy of its petition, its MFRs, and its rate case synopsis at various places¹ within 30 days of the official filing

ACK _____ date. In addition, the company must provide these materials to the
AFA _____ chief executive officer of the governing body of each municipality
APP _____
CAF _____ and county within the service areas included in the rate request.

CMU _____

CTR _____

EAG _____
LEG _____¹ These places include the company headquarters and business offices, as well as county libraries or community centers when the company does not have a business office in the service territory.
LIN _____

OPC _____

RCH _____

SEC _____

WAS _____

OTH _____

2. The rate case synopsis must include a summary of the section of the MFRs showing a comparison of the present and proposed rates and charges. Rule 25-22.0407(4)(c)1. However, it is impossible to tell what the company is requesting from the rate case synopsis and other materials.

3. The Commission found that the company's initial filing was deficient and ordered the company to include Hernando, Hillsborough, and Polk counties in the filing. Order no. PSC-95-1043-FOF-WS issued August 21, 1995. The company filed schedules, but no testimony, including these three counties.

4. The materials do not tell customers exactly what the company is requesting. On the one hand, the rate case synopsis describes the case that the Commission found deficient as the "original filing" and then, in contravention of order no. PSC-95-1043-FOF-WS, provides notice to customers that they might be charged these rates. On the other hand, it describes the case required by the Commission as a "supplemental filing" and tells customers that they might be charged these rates, too.

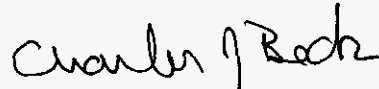
5. The Commission's rule requires more than a notice that the company may be seeking one set of rates or another. The Florida Administrative Procedures Act requires the Commission to ensure that persons receive notice of potential agency action such that each person can determine whether and to what extent, if any,

his or her interests are affected. Customers who read the materials provided by SSU can not make that determination. If a customer goes to the rate case synopsis, the synopsis equivocates and tells the customer that the company is perhaps seeking one rate, perhaps another. If the customer goes to the testimony, the customer finds testimony that describes and supports a filing already found deficient by the Commission. And if a customer goes to the MFR schedules, the customer finds the filing already found deficient (described by the company as the "original filing") and supplemental schedules, that together provide the same smorgasbord of possibilities.

6. Order no. PSC-95-1043-FOF-WS found the company's original filing deficient, yet the company appears intent on pursuing the original, deficient filing and the "supplemental" filing at the same time. The result is a notice to the public that fails to reasonably tell the public what the company is seeking and a notice that contravenes the Commission's order no. PSC-95-1043-FOF-WS. The Commission should dismiss the application in its entirety for failure to give proper notice.

Respectfully submitted,

JACK SHREVE
PUBLIC COUNSEL


Charles J. Beck
Deputy Public Counsel

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Attorneys for the Citizens
of the State of Florida

**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 8th day of August, 1995.

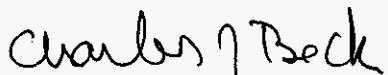
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