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ORIGINAL
FILE COPY

September 15, 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' Motion to the Full Commission to Cap SSU's Maximum Interim and Final Rates in this Proceeding to the Rates Requested by SSU.

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 _____
- AFA 3 _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAC _____
- LFG 1 _____
- LIN 5 _____
- ODD _____
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- MS Willis _____
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CJB:bsr

Enclosures

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DOCUMENT NUMBER-DATE

09133 SEP 15 95

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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 15, 1995

**CITIZENS' MOTION TO THE FULL COMMISSION
TO CAP SSU'S MAXIMUM INTERIM AND FINAL RATES
IN THIS PROCEEDING TO THE RATES REQUESTED BY SSU**

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, move the Commission to limit the maximum interim and final rates in this proceeding to the rates requested by SSU.

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

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.

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.

3. In addition to this notice required by Commission rules, SSU sent supplemental materials to customers attempting to justify this rate case to the citizens of Florida who are also customers of SSU.² Like the materials required by Commission rules, these materials make representations to customers about the maximum rates they might be charged as a result of this rate case. Customers have relied upon these representations.

4. In order to provide due process to the citizens of Florida and to comply with the notice provisions of the Administrative Procedures Act, the Commission should limit the ultimate maximum interim and final rates in these proceedings to the maximum rates requested by the company in its MFRs, noticed to customers under the notice requirements contained in the Commission's rules, and provided by SSU in supplemental materials to the citizens of Florida who are customers of SSU.

5. A new notice without new MFRs would be inadequate to

² See, e.g., exhibit for identification #2 offered by SSU at the Sunny Hills service hearing on September 14, 1995.

remedy this situation. Significantly, the MFRs provide information to customers about the rate case that allow customers to evaluate the case and judge the extent to which their substantial interests may be affected by these proceedings. The company elected to proceed with this rate case relying on uniform rates. Consistent with this approach, the MFRs do not contain information showing revenue requirements for uniform rate systems on a system-by-system basis. Customers have no other basis upon which to evaluate this case other than on the aggregate, system-wide information provided by the company and contained in the MFRs. A new notice at variance with the MFRs would only confuse the situation further.

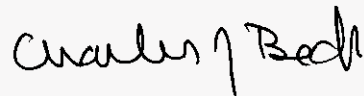
6. Customers have already been subject to a mountain of misleading and inadequate information. For example, the company refuses to provide new testimony supporting the case required by the Commission. Instead, the testimony relates only to the case found deficient by the Commission on August 1. The multiple notices provided by the company to customers refer to uniform rates and make no mention whatsoever about the possibility that uniform rates might not continue, even though the First District Court of Appeals reversed this Commission's decision regarding uniform rates months ago. And the MFRs provide aggregate, system-wide information that tell uniform rate customers nothing about the revenue requirements related to their individual systems. Unless the Commission limits the maximum interim and final rates in this proceeding to the maximum interim and final rates requested by the

company, customers will have been misled throughout this entire proceeding.

7. The Citizens therefore request the full Commission to limit the maximum interim and final rates in this proceeding to the rates requested by SSU.

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 15th day of September, 1995.

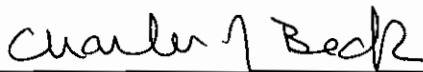
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