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JACK SHREVE

STATE OF FLORIDA

OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature 111 West Madison Street Room 812 Tallahassee, Florida 32399-1400 904-488-9330

ORIGINAL FILE COPY

December 4, 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 Dismiss SSU's Supplemental Petition for Interim Revenue Relief.

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

Sincerely,

Charles & Beck

Charles J. Beck Deputy Public Counsel

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DOCUMENT NUMBER-DATE 12064 DEC-4% FPSC-RECORDSTREPORTING

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.

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Docket No. 950495-WS Filed: December 4, 1995

CITIZENS' MOTION TO DISMISS SSU'S SUPPLEMENTAL PETITION FOR INTERIM REVENUE RELIEF

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, move the Commission to dismiss the "supplemental petition of Southern States Utilities, Inc., for interim revenue relief" filed on November 13, 1995.

1. By order PSC-95-1327-FOF-WS issued November 1, 1995, the Commission denied SSU's original request for interim rates with leave to file another petition.

2. SSU's supplemental petition filed November 13, 1995, is simply another request for the same rates already rejected by the Commission. SSU carefully crafted its supplemental petition so that it did not actually request the Commission to grant any of the alternative rate proposals generally described at page 5 of the supplemental petition. Instead, the supplemental petition starts

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off by stating that SSU "hereby provides the ... Commission ... with supplemental information and rate design alternatives."¹ The supplemental petition concludes by requesting interim <u>revenue</u> relief without actually requesting any rates other than the rates already rejected by the Commission.²

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3. Indeed, in the new notice SSU intends to submit to its customers, SSU intends to show its already rejected interim rate proposal as its "proposed interim rates."³

4. Since SSU's supplemental petition only requests the same interim rates already rejected by the Commission, the supplemental

¹ Supplemental petition at page 1.

² Supplemental petition at page 13.

³ Letter from Kenneth A. Hoffman to Maggie O'Sullivan dated November 30, 1995.

petition should be dismissed.

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Respectfully submitted,

JACK SHREVE PUBLIC COUNSEL

Charles 1 Beck

Charles J. Beck Deputy Public Counsel

Office of Public Counsel c/o The Florida Legislature 111 West Madison Street Room 812 Tallahassee, FL 32399-1400

Attorneys for the Citizens of the State of Florida

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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 4th day of November, 1995.

*Ken Hoffman, Esq. William B. Willingham, Esq. Rutledge, Ecenia, Underwood, Purnell & Hoffman, P.A. P.O. Box 551 Tallahassee, FL 32302-0551

and the second second

Brian Armstrong, Esq. Matthew Feil, Esq. Southern States Utilities General Offices 1000 Color Place Apopka, FL 32703

Kjell W. Petersen Director Marco Island Civic Association P.O. Box 712 Marco Island, FL 33969 *Lila Jaber, Esq. Division of Legal Services Fla. Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399

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

Arthur Jacobs, Esq. Jacobs & Peters, P.A. Post Office Box 1110 Fernandina Beach, FL 32035-1110

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Charles J. Beck Deputy Public Counsel

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