BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2001-259-W/S - ORDER NO. 2001-1138

DECEMBER 20, 2001

IN RE: Consumer Advocate for the State of South Carolina,	)	ORDER ON ORAL ARGUMENTS
Complainant,	)	
vs.	)	
Carolina Water Service, Inc.,	)	
Respondent.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) for disposition after oral arguments on the Motion filed by the Consumer Advocate for the State of South Carolina (the Consumer Advocate) to expand the scope of Docket Number 2000-207-W/S to allow for an examination of all Carolina Water Service's (CWS) rates, charges and tariff provisions.

On May 24, 2001, the Commission issued Order Number 2001-498, in which the Commission denied the Consumer Advocate's Motion to expand the scope of Docket Number 2000-207-W/S. However, the Commission directed the Commission Staff to open a new docket to address the Motion as a formal complaint. Additionally, after counsel for CWS was served with a copy of the Consumer Advocate's Complaint (Complaint), counsel for CWS filed an Answer and a Motion to Dismiss the Complaint. Thereafter, due to the nature of the Complaint, Answer and Motion to Dismiss, the Commission issued Order Number 2001-976, which set the matter for oral argument.

The Complaint requests that the Commission examine all of CWS' rates, charges, and tariff provisions, and not just those requested for modification by CWS in Docket Number 2000-207-W/S. As justification for examining all of the Company's rates, the Consumer Advocate pointed out that CWS' last rate case was in 1994 and that the Company has experienced changes in the character of service it provides in several of its service areas. The parties fervently argued their positions concerning a review of all of CWS' rates. CWS enumerated several reasons why the Complaint should be dismissed, due to defenses such as laches, mootness, and waiver. The Commission Staff opined that the Complaint should be dismissed, stating, inter alia, that the substance of the Complaint did not comply with the provisions of the Commission's Regulation governing complaints – 26 S.C. Code Ann. Regs. 103-835.

We find that the Consumer Advocate's Complaint should be dismissed. First, the Consumer Advocate states in the Complaint that certain CWS water supply wells or sewage treatment facilities may no longer be used and useful in providing service, and may require removal from the Company's rate base. The Commission, in Order Number 2001-887 (Docket Number 2000-207-W/S), removed several facilities from the Company's rate base that were no longer used and useful in providing service. The Commission, on pages forty through forty-two of Order Number 2001-887, adopted Staff's recommendation and removed property taxes and depreciation expenses associated with plant in the Riverhills subdivision, the I-20 service area, and the Watergate service area.

The Commission also removed expenses associated with the Idlewood and Westside Terrace service areas as the Idlewood and Westside Terrace subdivisions had requested approval of bulk water agreements. Additionally, the Commission, on page fifty-seven of Order Number 2001-887, removed from the Company's rate base the wells in the I-20, Watergate, and Riverhills service areas, as the wells in these areas were not used during the test year because the customers in these service areas are receiving bulk water from a bulk water supplier. Additionally, the Commission removed the wells in the Idlewood and Westside Terrace service areas from the rate base because these systems converted to bulk water after the test year and the wells on a going-forward basis would not meet the used and useful standard for inclusion in the rate base.

Furthermore, we find the Consumer Advocate's Complaint should be dismissed because the remainder of the Complaint is overly broad. For example, the Consumer Advocate requests a review of CWS' rates, charges, and tariff provisions which were not requested for modification by CWS in Docket Number 2000-207-W/S. CWS provides water and wastewater service throughout the State of South Carolina. If the Consumer Advocate contests a particular charge in a certain service area, his Complaint should be specific so all parties involved, including the public, have sufficient notice regarding the scope of his complaint. Furthermore, the Complaint should be specific so as to allow all parties involved to adequately research and respond to allegations contained within the Complaint. Additionally, the Consumer Advocate does not provide a basis for his argument that all of CWS' rates and charges need to be examined.

We also find that the Consumer Advocate's Complaint does not comply with the provisions of 26 S.C. Code Ann. Regs. 103-835(3) (1976). In sum, Regulation 103-835(3) states that a complaint filed with the Commission must contain a concise and cogent statement of the factual situation surrounding the complaint. The Consumer Advocate's Complaint is vague as to the factual situation surrounding his Complaint. Additionally, the Complaint does not state with specificity the grounds for an examination of the Company's rates, charges, and tariff provisions not put at issue in the Company's Application in Docket Number 2000-207-W/S.

Because of the foregoing reasoning, the Consumer Advocate's Complaint is hereby dismissed. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Chairman

ATTEST:

Executive Director

(SEAL)