

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties by Utilities, Inc. of Florida.

DOCKET NO. 160101-WS
ORDER NO. PSC-17-0146-PCO-WS
ISSUED: May 2, 2017

ORDER GRANTING PETITION TO INTERVENE
BY SEMINOLE COUNTY, WITH LIMITATIONS

By petition filed April 26, 2017, Seminole County (County) seeks to intervene in the rate proceeding filed by Utilities, Inc. of Florida (UIF), pursuant to Rule 25-22.039, Florida Administrative Code (F.A.C.). Seminole County is a UIF customer and purchases water and wastewater service that it resells. As a UIF customer, Seminole County is substantially affected by UIF's request for rate relief and has standing in this proceeding. *Agrico Chem. Co. v. Dep't of Env'tl. Regulation*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981).

Our rule on intervention, which is an exception to the Uniform Rules of Procedure, specifies "[i]ntervenors take the case as they find it." Rule 25-22.039, F.A.C.; Rule 25-40.001, F.A.C. The controlling events for processing UIF's rate case were established by Commission order. *See* Order Establishing Procedure (OEP), Order No. PSC-16-0558-PCO-WS, issued December 14, 2016, subsequently amended by Order No. PSC-16-0578-PCO-WS, issued December 20, 2016 (amending discovery deadline and prehearing conference date), Order No. PSC-17-0032-PCO-WS, issued January 24, 2017 (amending deadlines for prefiled testimony, discovery, prehearing statements, and briefs), and Order No. PSC-17-0118-PCO-WS, issued April 4, 2017 (amending the number of interrogatories allowed).

In its April 26, 2017 petition, Seminole County states it received notice of UIF's request for rate relief on January 17, 2017. The County, however, waited more than three months to petition to intervene. When Seminole County filed its petition, the time for pre-filing testimony, conducting discovery, filing prehearing statements, raising new issues, and participating in the prehearing conference had passed. The parties had also taken positions on all issues identified in the case that are contested by them. The current parties have expended significant resources and time to litigate this case under the parameters established by Chapters 120 and 367, Florida Statutes (F.S.), Chapters 25-22 and 28-106, F.A.C., and the Commission's procedural orders. No party, however, opposes the County's intervention. In addition, Section 367.091(2), F.S., provides the Commission "shall grant intervenor status to any governing body that files a petition."

Accordingly, Seminole County's petition to intervene is granted. Because under Rule 25-22.039, F.A.C., Seminole County takes the case as it finds it, the following limitations are imposed. Seminole County may make an opening statement at the technical hearing. The

County has waived its right to present testimony in the technical hearing, and because the County is now a party to the case, no County representative may provide additional testimony on behalf of the County at the customer service hearing scheduled for May 8, 2017. The County may also conduct cross examination and file post hearing briefs on the rate structure issues specifically identified as Issues 60, 61, 62, 64, and 65¹ in the Prehearing Order to be issued,² and on other issues as deemed appropriate by the presiding officer.

At the February 2, 2017, customer service hearing in Altamonte Springs, Seminole County Commissioner Lee Constantine and Ralph Terrero spoke on behalf of Seminole County. In addition, Mr. Terrero submitted written comments, which are included in the transcript of the customer service hearing as Exhibit 20. Testimony taken at the service hearings will become part of the hearing record.

This order, as well as all other procedural orders entered in this case, are entered pursuant to the authority granted by Rule 28-106.211, F.A.C., which provides that the presiding officer before whom a case is pending has the authority to issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.³

It is, therefore,

ORDERED by Commissioner Ronald A. Brisé that Seminole County's Petition to Intervene is granted subject to the limitations discussed above. It is further

ORDERED that all parties to this proceeding shall furnish copies of all pleadings or documents which may hereinafter be filed in this proceeding, to:

¹ Issue 60: What, if any, limits should be imposed on subsidy values that could result if stand-alone rates are converted to a consolidated rate structure for the water and wastewater systems?

Issue 61: Which water systems, if any, should be consolidated into a single rate structure?

Issue 62: What are the appropriate rate structures and rates for the water systems?

Issue 64: Which wastewater systems, if any, should be consolidated into a single rate structure?

Issue 65: What are the appropriate rate structures and rates for the wastewater systems?

² In its petition, Seminole County complains about the process the County must use to collect payment from its customers to whom it resells water and wastewater service. The County's pass through practices and the use of Section 153.64, F.S., have not been raised by any party. These are not the types of interests this proceeding is designed to protect. As such, the County is precluded from cross examination on this point.

³ While we have an exception to the Uniform Rule of Procedure on Intervention, I find it compelling that Rule 28-106.205(1), F.A.C., the Uniform Rule on intervention, provides "[t]he presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties."

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By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 2nd day
of May, 2017.



RONALD A. BRISÉ
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.