

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for staff-assisted rate case in Pasco County by A Utility Inc.	Docket No. 20210098-WU Filed: 06/15/2023
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AMENDED PETITION ON PROPOSED AGENCY ACTION ORDER

Al Hashemi, pursuant to Section 120.57, Florida Statutes, and Rules 25-22.029 and 28-106.201, Florida Administrative Code, and Order No. PSC-2023-0176-PCO-WU, issued June 1, 2023, files this amended Petition objecting to Florida Public Service Commission “Commission”) Order No. PSC-2023-0091- PAA-WU (“Order”), issued February 16, 2023 and state:

1. The name of the agency affected and the agency’s file number:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Docket No. 20210098-WU

2. On May 14, 2021, A Utility Inc. (“Company”) filed a petition for a rate increase using the Commission Staff Assisted Rate Case (“SARC”) procedure. As a direct result of Company’s petition, the Commission granted a rate increase. Al Hashemi is a customer of the Company whose substantial interests will be affected by the Order because the Order authorizes the Company to increase the rates and charges it imposes upon its customers.

3. Pursuant to Rule 28-106.201, Al Hashemi who files this petition, address and telephone number are as follows: 37427 Ray Dr. Zephyrhills, FL 33541, Telephone No. (919)633-6337.

4. On or about February 16, 2023, Al Hashemi received a notice of the Order on Commission's Website under the same Docket No. 20210098-WU.

5. At this time the ultimate facts alleged, including the specific facts which the Petitioner contends warrants reversal or modification of the agency's proposed action are as follows:

a. The last rate hike before this one was done a long time ago, that rate was so bloated with pork and wrongful indexes which would meet the base rate for the test year 2020. Even if one uses inflation rates over the said period; one would see how bloated the rate had been that over all these years has remained profitable for the operators.

b. Given the two approaches of Inflation and reasonable operational and maintenance expenses, a rate of \$17.24 would meet the inflation over the years adjusted for the bloated rate established back then as well as the reasonable operational and maintenance expenses meeting the indexes designed to side with the Class C Utilities.

c. Referring back to Original Protest Petition, which is incorporated by reference here, the existing rate was the highest rate among all water utilities in Pasco County which complements everything that is being said in the Original Protest Petition and the included 3 documents that show significant details. Those documents still remain as inseparable part of this Amended Protest Petition.

d. Analysis of the original filed expenses by AU and the confirmation through your own audit, is a good description of what was and what should be. Therefore, in my expense analysis included as Exhibit AP-I. I have explored all frivolous bloating done by commission to increase the expenses without any certifiable documentation and merely based on indexes to help make bloated expenses. Those expenses should be brought down.

e. For the reasons given, further adjustment(s) should be made to the Company's revenue requirement, by reducing it by at least \$ 6,400.00 which is less than inflation and the actual

expense analysis as per Exhibit AP-I.

6. Each of the forgoing matters in Paragraph 5 involve disputed issues of material fact.

7. Sections 367.081(1), (2) (a), and (3) and 367.0814, Florida Statutes require rates set in a SARC to be just, reasonable and compensatory and based on prudent costs. The costs included in the PAA and identified by Al Hashemi are too high and do not meet this standard.

8. The Order established March 9, 2023 as the date by which protests must be filed. Al Hashemi filed a protest on that day. On June 1, 2023 the protest was dismissed by Order No. PSC-2023-0176-PCO-WU, without prejudice and providing Hashemi 14 days to amend the protest to comply with the deficiencies noted. This amended protest petition complies with that order.

9. Section 367.081, Florida Statutes, is the specific statute the Petitioner contends requires reversal of the agency's proposed action.

10. Al Hashemi requests that the Commission set this protest of Proposed Agency Action Order No. PSC-2023-0091-PAA-WU, for informal hearing on the Company's net operating income, revenue requirement and rate affordability.

11. The intent of Al Hashemi is to prevent falsehood to prevail in increasing the rates, his intention is to refer to the morality of the commission members to change the indexing system to prevent falsehood to prevail.

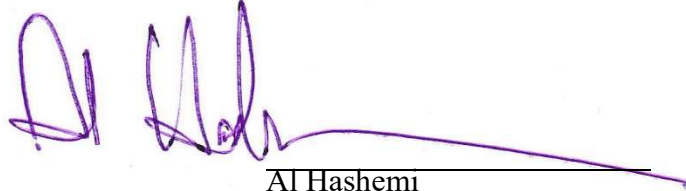
12. Commission's arbitrary acceptance of undocumented and unproven expenses simply because it meets the index system, when such acceptance albeit not against Florida's laws but in violation of the Internal Revenue Code is a partial denial of our Federal System of Government.

13. Hashemi reserves the right to update Exhibit AP-I with new information discovered in the proceeding.

WHEREFORE, Al Hashemi hereby files this amended protest and objects to Commission Order No. PSC-2023-0091-PAA-WU, as provided above, and petitions the Commission to

conduct an informal evidentiary hearing, under the provisions of Section 120.57, Florida Statutes, and further petitions that such hearing be scheduled as per the motion filed and requested on March 9, 2023 and again on this the 15th day of June 2023 and as such requests a virtual hearing with sufficient time for him to make a presentation in support of this protest.

Respectfully submitted,

A handwritten signature in purple ink, appearing to read 'Al Hashemi', with a long horizontal flourish extending to the right.

Al Hashemi
37427 Ray Dr.
Zephyrhills, FL 33541
(919)827-4947
(505) 213-9020
Hashemi.al@gmail.com

EXHIBIT AP-I
Including the Original Protest of March 9, 2023

1. Matter of AU Assets

There are no documentation as to ownership of the system except of a 2 page document which gives the utility the authority to operate a well on one of the 3 lots (2 of the lots had nothing to do with water distribution) at the time this document exempt the 3 lots from paying the association fee in response to the club house not to be charged for very little water usage it had. Also allowed AU to use the well and pump on the club house property and to take care of the pump and the shed. Nowhere is there an agreement that the taxes and expenses of the 2 unrelated lots are to be shared with the Tropical Park.

2. Matter of Expenses for the 2 Unrelated Lots.

Commission should not allow AU to charge the customers for these unrelated two lots which have no relationship to water distribution. That includes cutting the grass (weed and grass) beyond the 6” maximum height requirement of the Tropical Park. Nor any expenses associated with evaluation or taxes or fees paid in response to the unrelated two lots. It is expected that Commission will have AU to sell these 2 lots and use the proceed to repair and renew equipment and the sheds.

3. Matter of Undocumented Expenses with no W2 or 1099

I had never thought a business can just declare expenses without documenting it and the Commission in violation of the Federal Law just accepting them. Details in the Informal Hearing.

4. Matter of Double Charging

The Commission has made it a requirement for payment of \$3900 for accounting. Whereas commission has failed to subtract the same from the undocumented expenses which AU has provided mostly related to doing accounting for 130 one time yearly collection from the customers and about 100 transaction related to expenses.

5. Matter of Management

The operation and maintenance of these pumps and distribution system is contracted correctly with a company that seems doing a very good job. Very little work is left for AU to do except of counting the receivables and payments, as the accounting now being handled by a third party. There is minimal management work involved, as the third company is visiting the stations twice a week. Inspection of the two sheds maybe once every 3 months to make sure that the sheds have not collapsed may be the actual job that the Management should perform. It appears, there are multiple corporation owned by a husband and wife at the same address, and borrowing among the same and arbitrary interest charges which seems not related to operation of water distribution.

6. Matter of Commission's indexing

The Commission should review its indexing system to be more in line with reality of a corporate life. Unorthodox indexing and allowances only corrupt the private sector in business of water distribution. Nothing speaks louder than the fact that AU was the most expensive water utility in Pasco County and now it is 40% even more expensive than it being the most expensive. That speaks of Commission's flawed indexing system.

7. Individual Expenses

Individual Expenses will be presented at the informal hearing from the Commission's and AU's own data to present the inappropriateness of Commission's indexing and correctness of Hashemi's Assertion.

8. Matter of Accumulated Depreciation

The whole purpose of accumulated depreciation is a source of fund for replacement and renewal of assets. Commission should require proper accounting of where is it by going back as long as necessary and require a special account separate from other functions of the AU to hold this accumulated depreciation for the health of the wells, pumps, sheds, and the rest of the distribution system.

BEFORE THE FLORIDA PUBLIC UTILITY COMMISSION

Al Hashemi
Plaintiff
Vs
Florida Utility Commission
Defendant

Protest
Re: Rate Increase Docket 20210098-WU
As per Rule 28-106.201
Motion
As per Rule 28-106.204
No Cost and Remote Appearance

PROTEST

1. The Plaintiff, Al Hashemi, of 37427 Ray Dr., Zephyrhills, FL 33541, T: 919 827 4947 C: 919 633 6337 F: 505 213 9020 Email: Hashemi.al@gmail.com.
2. The Defendant, Florida Public Utility Commission of 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850.
3. Plaintiff is substantially affected by unwarranted and arbitrary rate increase by the Defendant.
4. Plaintiff has provided three sets of documents known as Comments Part I (Please See Docket File # 11829-2022), Comments Part II (Please See Docket File # 00437-2023), and Comments Part III (Please See Docket File # 00882-2023).
5. Defendant has totally set aside and not considered the obvious facts that show this rate increase is frivolous with the Comments given in Paragraph 4 above.
6. Therefore Plaintiff severely protests the following items on the Defendant's Order (Please See Docket File # 01143-2023). Item 6 – Test Year Revenue & Item 7 – Operating Expenses.
7. The above two items will impact all the other items and therefore, require re-adjustment if approved.
8. Plaintiff will file a detailed brief in support of this Protest before the first hearing in accordance to the timing required by the Rules.
9. Plaintiff will rely almost entirely on the content of the information in the Docket. There are only a market rate exceptions. Altogether Plaintiff shows from Commission's own data, how arbitrary and unwarranted this rate increase is.
10. Plaintiff prays that the Commission will hear the Protest Petition and vote in his favor.

MOTION

11. Defendant has not even considered the relevant Utility was the most expensive utility of Class C in the County of Pasco as of 12/31/2022. So increasing by additional 40% makes this again the Oskar winner of expensiveness in the same County.
12. As far as my findings from Commission's Docket goes, it is clear to me that for most part the work of this Commission is window dressing when it comes to small utilities of class C as it is not worth anyone's time to spend. Therefore, let it stand a 40% increase.
13. Plaintiff is not of good enough health to travel, nor does he have resources to do so.
14. Plaintiff has no discretionary means to provide for any expenses, fees, legal or otherwise and or court costs.
15. Plaintiff is asking of the Defendant who also is the decision maker in this case to forego any requirement while sitting for this decision so the Plaintiff be excepted and be able to appear remotely for any purpose, and not travelling.
16. Plaintiff prays for Commission to accept remote appearance by Zoom, or telephone call and all documents filed electronically and no cost of any sort to him.
17. If this motion is not approved, Plaintiff has to bow before this Commission and would have to find another way to prove this is still America the land we all love, and those among us who are taking it for granted by advocating falsehood seem getting stronger, that is how all great Empires have been defeated, the move by Commission further shows an instance of where we all are heading.

Respectably submitted on 9th of March 2023

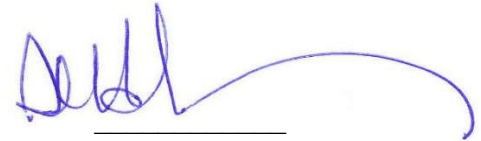

Al Hashemi
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(919) 633-6337
Hashemi.al@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PROTEST and MOTION has been furnished by electronic mail on this 9th Day of March, 2023 to:

Chairman Fay
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Email: Commissioner.Fay@psc.state.fl.us

Clerk of the Commission
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Email: Clerk@psc.state.fl.us



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CERTIFICATE OF SERVICE
DOCKET NO. 20210098-WU

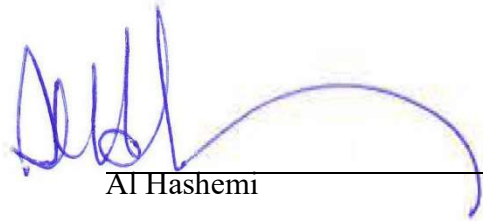
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S.

Mail and electronic mail to the following parties on this 15th day of June 2023.

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Al Hashemi