

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in wastewater rates in Monroe County by K W Resort Utilities Corp.

DOCKET NO. 20170141-SU
ORDER NO. PSC-2018-0118-PCO-SU
ISSUED: March 5, 2018

FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

On November 21, 2017, K W Resort Utilities Corp. (KWRU), a Class A wastewater utility serving approximately 1,867 customers in Monroe County, filed an application for an increase in wastewater rates set for hearing from May 15-17, 2018. On January 12, 2018, the Order Establishing Procedure¹ (OEP) set controlling dates for this docket. The OEP was subsequently amended on January 31, 2018, by Order No. PSC-2018-0039A-PCO-SU, to correct a scrivener's error.

KWRU's Motion to Revise Minimum Filing Requirements Schedules

On February 19, 2018, KWRU filed a motion to revise several schedules within the minimum filing requirements (MFRs) submitted by its witness, Deborah Swain, in exhibit DDS-1 on November 21, 2017. KWRU states that in the course of responding to Commission Staff's Second Set of Interrogatories Nos. 4-7 and 12, it discovered that in the month of February 2017, the monthly amount from the general ledger was placed in the wrong rows on schedule B-6, which in turn caused errors on schedule B-8. Additionally, KWRU states that tax on plant additions was not included before annualization within schedule B-3. KWRU requests permission to substitute the affected pages of exhibit DDS-1 with the corrected version. In its motion, KWRU represents that the Office of Public Counsel (OPC) has no objection. Monroe County takes no position.

Joint Motion to Approve Procedural Stipulation

On February 14, 2018, KWRU timely filed a Motion for Extension of Time to Respond to Discovery as Established in Order No. PSC-2018-0039-PCO-SU, requesting an additional six days to respond to OPC's Third Set of Interrogatories and Third Request for Production of Documents (third set of discovery). OPC and Monroe County both opposed KWRU's motion, and on February 16, 2018, OPC and Monroe County filed a Joint Response in opposition to KWRU's Motion and a Joint Motion for an extension of time to file Intervenor Testimony. However, on February 19, 2018, KWRU and OPC, with the support of Monroe County, filed a Joint Motion to Approve Procedural Stipulation (Joint Stipulation) in response to previous motions filed on February 14 and 16, 2018.

¹ Order No. PSC-2018-0039-PCO-SU, issued on January 12, 2018, in Docket No. 20170141-SU, In re: Application for increase in wastewater rates in Monroe County by K W Resort Utilities Corp.

The Joint Stipulation requests approval of an agreement amongst the parties that would give KWRU an additional six days to respond to OPC's third set of discovery, and move the filing date for Intervenor Testimony six days to March 14. OPC has also agreed to review its fourth and fifth sets of discovery in a good faith effort to reduce the amount of requests propounded. If the Joint Stipulation is approved, the parties have agreed to withdraw their respective motions filed on February 14 and 16, 2018, in an effort to reduce rate case expense.

Based on the facts presented above and good cause shown, I hereby grant KWRU's Motion to Revise MFR Schedules and KWRU's and OPC's Joint Motion to Approve Procedural Stipulation. The OEP shall be modified to reflect a new Intervenor Testimony filing date of March 14, 2018. All other dates shall remain unchanged, as illustrated below.

Controlling Dates		
	Previous Date	New Date
Intervenors' testimony and exhibits	March 8, 2018	March 14, 2018
Staff's testimony and exhibits	March 27, 2018	No Change
Rebuttal testimony and exhibits, if any	April 10, 2018	No Change
Prehearing Statements	April 17, 2018	No Change
Discovery Deadline	April 24, 2018	No Change
Prehearing Conference	May 1, 2018	No Change
Hearing	May 15-17, 2018	No Change
Briefs	June 6, 2018	No Change

Based on the foregoing, it is

ORDERED by Commissioner Donald J. Polmann, as Prehearing Officer, that K W Resort Utilities Corp.'s Motion to Revise MFR Schedules and K W Resort Utilities Corp.'s and the Office of Public Counsel's Joint Motion to Approve Procedural Stipulation is hereby granted. It is further

ORDERED that consistent with the terms of the Joint Stipulation, K W Resort Utilities Corp. shall withdraw its February 14, 2018, Motion for Extension of Time to Respond to Discovery, and the Office of Public Counsel and Monroe County shall withdraw their February 16, 2018, Joint Motion for an Extension of Time to File Testimony. It is further

ORDERED that the Order Establishing Procedure is hereby modified as set forth herein. It is further

ORDERED that Order No. PSC-2018-0039-PCO-SU, as amended by Order No. PSC-2018-0039A-PCO-SU, is reaffirmed in all other respects.

By ORDER of Commissioner Donald J. Polmann, as Prehearing Officer, this 5th day
of March, 2018.



DONALD J. POLMANN, Ph.D., P.E.
Commissioner and Prehearing Officer
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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.