

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 Sunshine Water Services Company.

DOCKET NO. 20240068-WS
ORDER NO. PSC-2024-0437-PCO-WS
ISSUED: October 2, 2024

FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

Background

Sunshine Water Services Company (Sunshine or Utility) is a Class A Utility that operates 27 water and wastewater facilities in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties. On April 19, 2024, Sunshine filed a letter requesting approval of a historic test year ending on December 31, 2023 for purposes of establishing final rates. Based on its approved test year, Sunshine filed its petition and Minimum Filing Requirements (MFRs) on June 28, 2024. On July 23, 2024, by Order No. PSC-2024-0259-PCO-WS (OEP), hearing procedures were established to govern this docket, including setting a schedule for conducting discovery and setting a hearing date in compliance with the timeframes established under Section 367.081, Florida Statutes (F.S.).

The Office of Public Counsel (OPC) first intervened in this docket on April 23, 2024, but withdrew its intervention on May 7, 2024. On September 19, 2024, OPC filed its second Notice of Intervention, which was acknowledged by Order No. PSC-2024-0435-PCO-WS on September 25, 2024. Also on September 19, 2024, OPC filed an Expedited Motion for Modification of the Order Establishing Procedure (Motion) requesting an extension of time to file testimony and conduct discovery. In support of its Motion, OPC states that “crucial time has passed” since the withdrawal of its initial intervention; therefore, it requests the extension of certain controlling dates to accommodate OPC’s resource constraints. Because of the date OPC chose to intervene, it will have approximately 6 weeks to submit its intervenor testimony and exhibits if the controlling dates remain unchanged. OPC is not requesting a change to the scheduled prehearing conference and hearing dates. OPC avers that the granting of its Motion would not result in undue delay, and represents that Sunshine is in support of OPC’s Motion.

Pursuant to Rule 28-106.211, F.A.C., the Prehearing Officer may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case.

Decision

In its Motion, OPC requests extending several controlling dates as follows:

Event	Previous Due Date	Requested Date
Intervenor Testimony and Exhibits	October 31, 2024	December 1, 2024
Staff Testimony and Exhibits, if any	November 7, 2024	December 9, 2024
Rebuttal Testimony and Exhibits	December 5, 2024	December 20, 2024
Prehearing Statements	January 2, 2025	January 15, 2025

The timing of intervention is solely under the control of the intervening party, and intervenors take the case as they find it. Having considered OPC's Motion and noting that the requested extensions are not opposed by Sunshine, I find that the current hearing schedule does afford the flexibility to grant some, but not all, of the requested extensions. OPC's Motion is therefore granted in part and denied in part, and Section IX of the OEP shall be modified as follows:

Event	Previous Due Date	New Due Date
Intervenor Testimony and Exhibits	October 31, 2024	November 21, 2024
Staff Testimony and Exhibits, if any	November 7, 2024	December 2, 2024
Rebuttal Testimony and Exhibits	December 5, 2024	December 13, 2024
Prehearing Statements	January 2, 2025	January 15, 2025
Discovery Deadline	January 16, 2025	January 21, 2025

I find that the modifications set forth herein afford OPC additional time to prepare its case, but also ensure that all parties and Commission staff have sufficient time to conduct discovery, file testimony, and prepare their case for hearing in this matter.

Based on the foregoing, it is

ORDERED by Commissioner Andrew Giles Fay, as Prehearing Officer, that the Office of Public Counsel's Expedited Motion for Modification of the Order Establishing Procedure is granted in part and denied in part as set forth in the body of this order. It is further

ORDERED that Order No. PSC-2024-0259-PCO-WS is modified to include the revised controlling dates set forth herein. It is further

ORDERED that Order No. PSC-2024-0259-PCO-WS is reaffirmed in all other respects.

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By ORDER of Commissioner Andrew Giles Fay, as Prehearing Officer, this 2nd day of October, 2024.



ANDREW GILES FAY
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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.

RPS/SF

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.