

Administrative Parties Consumer DOCUMENT NO. 09961-07

DISTRIBUTION: _____

Ann Cole

From: Ann Cole
Sent: Tuesday, November 25, 2008 10:58 AM
To: Marshall Willis
Cc: Ralph Jaeger; Jennifer Brubaker; Cheryl Bulecza-Banks; Bart Fletcher; Tim Devlin
Subject: FW: 070293-SU KW Resort Extension of Time
Attachments: _1125085926_001.pdf

Thanks, Marshall. Unless otherwise instructed, this email and its attachment will be placed in *Docket Correspondence - Parties and Interested Persons*, Docket No. 070293-SU.

From: Marshall Willis
Sent: Tuesday, November 25, 2008 9:12 AM
To: Ann Cole
Cc: Ralph Jaeger; Jennifer Brubaker; Cheryl Bulecza-Banks; Bart Fletcher; Tim Devlin
Subject: 070293-SU KW Resort Extension of Time

Please place the attached letter, extending the KW Resort eight month clock to January 6, 2009, into the docket file. Staff will be revising the CASR. Thanks.

From: Tonya Simpson [mailto:TSimpson@RSBattorneys.com]
Sent: Tuesday, November 25, 2008 9:06 AM
To: Marshall Willis
Subject: KW Resort Extension of Time

Please see the attached letter.

Tonya M. Simpson
Assistant to F. Marshall Deterding
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301
(850) 877-6555 PHONE
(850) 656-4029 FAX

11/25/2008

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JOHN R. JENKINS, P.A.
KYLE L. KEMPER
STEVEN T. MINDLIN, P.A.
CHASITY H. O'STEEN
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TREMPER, P.A.
JOHN L. WHARTON

ROBERT M. C. ROSE, (1924-2006)

November 25, 2008

CENTRAL FLORIDA OFFICE

SANLANDO CENTER

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MARTIN S. FRIEDMAN, P.A.

BRIAN J. STREET

CHRISTIAN W. MARCELLI, OF COUNSEL
(LICENSED IN NEW YORK ONLY)

Marshall Willis
Division of Economic Regulation
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: K.W. Resort Utilities Corporation; PSC Docket No. 070293-SU
Application for Increase in Wastewater Rates in Monroe County
Our File No. 34000.05

Dear Mr. Willis:

As we discussed, KW agrees to an extension of time in which the Commission will decide this case such that the matter will come before the Commission at the first regularly scheduled agenda in January 2009.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP



John L. Wharton

For The Firm

JLW/tms

Kimberley Pena

070293

From: Kimberley Pena
Sent: Monday, December 31, 2007 3:13 PM
To: 'DAVIS.PHYLLIS'
Subject: RE: Name substitution

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 09961-07		
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Per this e-mail, we will make the change in all active docket. Thank you.

Kimberley M. Peña
 Chief Deputy Commission Clerk
 Office of Commission Clerk
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850
 (850) 413-6770

From: DAVIS.PHYLLIS [mailto:DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Monday, December 31, 2007 1:45 PM
To: Records Clerk
Subject: Name substitution

PSC Clerk:

Please substitute Charlie Beck's name with J. R. Kelly. Mr. Kelly was appointed Public Counsel on November 20, 2007. Please contact me at 488-9330 if you have questions.

Thanks,
 Phyllis W. Philip-Guide

12/31/2007

Marguerite Lockard

From: Denise Vandiver
Sent: Monday, November 05, 2007 1:12 PM
To: Marguerite Lockard
Subject: RE: e-filing (Dkt. No. 070293-SU)

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. <u>09961-07</u>		
DISTRIBUTION: _____		

Yes, we will come down and pick it up to copy this afternoon. Thanks

From: Marguerite Lockard
Sent: Monday, November 05, 2007 12:42 PM
To: Denise Vandiver
Cc: Susan Johnson
Subject: FW: e-filing (Dkt. No. 070293-SU)

Will you be handling this ?

From: Ruth Nettles
Sent: Monday, November 05, 2007 12:06 PM
To: Marguerite Lockard
Subject: FW: e-filing (Dkt. No. 070293-SU)

Marguerite, this is for you.

From: MERCHANT.TRICIA [mailto:MERCHANT.TRICIA@leg.state.fl.us]
Sent: Monday, November 05, 2007 11:20 AM
To: Filings@psc.state.fl.us
Cc: REILLY.STEVE; Bart Fletcher; Troy Rendell; Cheryl Bulecza-Banks; Ralph Jaeger; Denise Vandiver; Marty Deterding
Subject: e-filing (Dkt. No. 070293-SU)

Electronic Filing

a. Person responsible for this electronic filing:

Patricia W. Merchant
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330
merchant.tricia@leg.state.fl.us

b. Docket No. 070293- SU - Application for increase in wastewater rates in Monroe County by K W Resort Utilities Corp.

c. Document being filed on behalf of Office of Public Counsel.

d. There are a total of 2 pages.

e. The document attached for electronic filing is OPC's Request for Confidential Audit Workpapers of KW Resort Rate Case Docket No. 070293-SU

(See attached file: Request for confidential Audit WPs KW Resort.doc)

11/6/2007

DOCUMENT NO. DATE

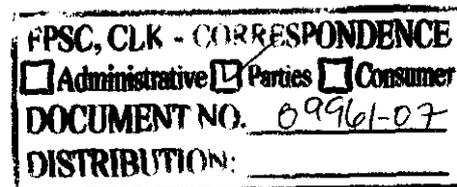
09961-07 11/5/07
FPSC - COMMISSION CLERK

Thank you for your attention and cooperation to this request.

Tricia Merchant
Office of Public Counsel
111 West Madison Street
Pepper Building, Room 812
Tallahassee, Florida 32399-1400
Phone: 850-487-8245
Email: merchant.tricia@leg.state.fl.us

Kimberley Pena

From: MERCHANT.TRICIA [MERCHANT.TRICIA@leg.state.fl.us]
Sent: Monday, November 05, 2007 11:20 AM
To: Filings@psc.state.fl.us
Cc: REILLY.STEVE; Bart Fletcher; Troy Rendell; Cheryl Bulecza-Banks; Ralph Jaeger; Denise Vandiver; Marty Deterding
Subject: e-filing (Dkt. No. 070293-SU)
Attachments: Request for Confidential Audit WPs KW Resort.doc



Electronic Filing

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Patricia W. Merchant
Office of Public Counsel
c/o The Florida Legislature
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merchant.tricia@leg.state.fl.us

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(See attached file: Request for confidential Audit WPs KW Resort.doc)

Thank you for your attention and cooperation to this request.

Tricia Merchant
Office of Public Counsel
111 West Madison Street
Pepper Building, Room 812
Tallahassee, Florida 32399-1400
Phone: 850-487-8245
Email: merchant.tricia@leg.state.fl.us

Kimberley Pena

From: MERCHANT.TRICIA [MERCHANT.TRICIA@leg.state.fl.us]
Sent: Monday, November 05, 2007 11:20 AM
To: Filings@psc.state.fl.us
Cc: REILLY.STEVE; Bart Fletcher; Troy Rendell; Cheryl Bulecza-Banks; Ralph Jaeger; Denise Vandiver; Marty Deterding
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Electronic Filing

a. Person responsible for this electronic filing:

Patricia W. Merchant
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330
merchant.tricia@leg.state.fl.us

b. Docket No. 070293- SU - Application for increase in wastewater rates in Monroe County by K W Resort Utilities Corp.

c. Document being filed on behalf of Office of Public Counsel.

d. There are a total of 2 pages.

e. The document attached for electronic filing is OPC's Request for Confidential Audit Workpapers of KW Resort Rate Case Docket No. 070293-SU

(See attached file: Request for confidential Audit WPs KW Resort.doc)

Thank you for your attention and cooperation to this request.

Tricia Merchant
Office of Public Counsel
111 West Madison Street
Pepper Building, Room 812
Tallahassee, Florida 32399-1400
Phone: 850-487-8245
Email: merchant.tricia@leg.state.fl.us

TOM LEE
President



Charles J. Beck
Interim Public Counsel

STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
PHONE: 850-488-9330
FAX: 850-488-4491

ALLAN G. BENSE
Speaker



Patricia W. Merchant, C.P.A.
Senior Legislative Analyst
merchant.tricia@leg.state.fl.us

November 5, 2007

Ann Cole, Director
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket 070293- SU - Application for increase in wastewater rates in Monroe County by K W Resort Utilities Corp.

Dear Ms. Cole:

By this letter, I am requesting copies of the following confidential document filed in the above-referenced docket. By this request, OPC agrees to treat this information as confidential, and thus exempt from Section 119.70(1), Florida Statutes. We will also comply with Rule 25-22.006, Florida Administrative Code, which addresses the treatment of confidential information.

The following documents are requested:

09828-07 10/29/2007 RCA/Vandiver - (CONFIDENTIAL) Working papers Vol 8 of 8 for K W Resort for file and suspend rate case (Audit Control No. 07-233-4-1).

Thank you in advance and please contact me by phone or e-mail when the copies are available for pick-up or if any further information is requested.

Respectfully submitted,

s/ Patricia W. Merchant
Patricia W. Merchant
Senior Legislative Analyst

Letter to Ann Cole
November 5, 2007
Page 2

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
(850) 487-8245
merchant.tricia@leg.state.fl.us

- c: Division of Regulatory Compliance & Consumer Assistance (Vandiver)
Division of Economic Regulation (Fletcher, Rendell, Bulecza-Banks)
Office of the General Counsel (Jaeger)
Office of Public Counsel (Reilly)
F. Marshall Deterding

Dorothy Menasco*KW RESORT**070293 - SU*

From: Filings@psc.state.fl.us
Sent: Monday, October 08, 2007 12:11 PM
To: 'kirby.kimberly@leg.state.fl.us'
Cc: Kimberley Pena; Ruth Nettles; Matilda Sanders
Subject: FW: Docket No. ~~060293~~ *070293* *MS*
Attachments: 070293-SU 1st Amended NOS 10-5-07.pdf; 070293-SU 2nd NOS 10-5-07.pdf

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. <i>09961-07</i>		
DISTRIBUTION: _____		

Ms. Kirby,

We are in receipt of the attached filings. The notice of service of 2nd set of interrogatories and 2nd req for PODs to K W Resort is eligible for filing. However, the notice of service of 1st amended set of interrogatories and 1st amended req for PODs to K W Resort does not include an official electronic signature. That document ONLY will need to be revised and resubmitted in order to be accepted for filing. If you resubmit both documents again, the document that was accepted the first time will be considered a duplicate and will be in intelligible for filing.

Please see e-filing requirements on our website (<http://www.psc.state.fl.us/dockets/e-filings/>), in particular:

Documents shall be signed by typing "s/" followed by the signatory:

s/ First M. Last

Please feel free to call if you have any questions.

Dorothy Menasco
 FPSC
 Office of Commission Clerk
 850-413-6330

From: KIRBY.KIMBERLY [mailto:KIRBY.KIMBERLY@leg.state.fl.us]
Sent: Friday, October 05, 2007 5:52 PM
To: Filings@psc.state.fl.us
Cc: Ralph Jaeger; martyd@rsbattorneys.com
Subject: Docket No. 060293

On behalf of Stephen C. Reilly, Office of Public Counsel
 111. W. Madison Street, Room 812
 Tallahassee, FL 32399-1400
 Email: reilly.steve@leg.state.fl.us
 Phone: (850) 488-9330
 Fax: (850) 488-4491

1. This filing is to be made in Docket No. 070293-SU, In Re: Application for increase in wastewater rates in Monroe County by KW Resort Utilities, Corp.
2. Attached for filing on behalf of the Office of Public Counsel is a Notice of Service of Citizens' 1st Amended Set of Interrogatories (Nos. 1-75) and 1st Amended Request to Produce Documents (Nos. 1-62) and 2nd Set of Interrogatories (Nos. 76-80) and 2nd Request to Produce Documents (Nos. 63-75).
3. There are a total of 4 pages for filing.

10/8/2007

Kimberly D. Kirby

Marguerite Lockard

From: DAVIS.PHYLLIS [DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Monday, September 17, 2007 4:44 PM
To: Filings@psc.state.fl.us
Cc: martyd@rsbattorneys.com; MERCHANT.TRICIA; Kim Dismukes; REILLY.STEVE; Ralph Jaeger
Attachments: 070293 NOS 09-17-07.doc.pdf

PARTIES

On behalf of Stephen C. Reilly, Office of Public Counsel
 111 W. Madison Street, Room 812
 Tallahassee, FL 32399-1400
 Email: reilly.stephen@leg.state.fl.us
 Phone: (850) 488-9330
 Fax: (850) 488-4491

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. _____		
DISTRIBUTION: _____		

1. This filing is to be made in Docket Number: 070293-SU, In Re: In Re: Application for increase in water and wastewater rates in Monroe County by Utilities, Inc.
2. Attached for filing on behalf of Office of Public Counsel is OPC's Notice of Service of their First Set of Interrogatories (Nos. 1-82) and First Request to Produce Documents (Nos. 1-70) to KW Resort Utilities.
3. There are a total of two pages for filing.

Phyllis W. Philip-Guide
 Assistant to Stephen Reilly

(no signature - w/initial
 filing - was re-submitted,
 See DN)
 RLL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 070293-SU

Filed: September 17, 2007

NOTICE OF SERVICE

Pursuant to Section 350.0611, Florida Statutes, the Citizens of the State of Florida, by and through Charlie Beck, Interim Public Counsel, serve this notice that they have served their First Set of Interrogatories (Nos. 1-82) and their First Request to Produce Documents (Nos. 1-70) to KW Resort Utilities, Inc. on the 17th day of September, 2007.

Charlie Beck
Interim Public Counsel

Stephen C. Reilly
Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330

Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE

DOCKET NO. 070293-SU

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Service of Citizens' First Set of Interrogatories (Nos. 1-82) and their First Request to Produce Documents (Nos. 1-70) to KW Resort Utilities, Inc. has been furnished by U. S. Mail and electronic mail to the following parties on this 17th day of September, 2007.

Stephen C. Reilly

Ralph Jaeger, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

F. Marshall Deterding
2548 Blairstone Pines Dr.
Tallahassee, FL 32301
Phone: 850-877-6555
FAX: 656-4029

Marguerite Lockard

From: DAVIS.PHYLLIS [DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Monday, September 17, 2007 4:32 PM
To: Filings@psc.state.fl.us
Cc: REILLY.STEVE; Ralph Jaeger; martyd@rsbattorneys.com; MERCHANT.TRICIA; Kim Dismukes
Attachments: Citizens Motion to Permit Additional Interrogatories and POD's 091407.doc

PARTIES

On behalf of Stephen C. Reilly, Office of Public Counsel
 111 W. Madison Street, Room 812
 Tallahassee, FL 32399-1400
 Email: reilly.stephen@leg.state.fl.us
 Phone: (850) 488-9330
 Fax: (850) 488-4491

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. _____		
DISTRIBUTION: _____		

1. This filing is to be made in Docket Number: 070293-SU, In Re: In Re: Application for increase in water and wastewater rates in Monroe County by Utilities, Inc.
2. Attached for filing on behalf of Office of Public Counsel is Office of Public Counsel's Motion to Permit Additional Interrogatories and Production of Documents.
3. There are a total of six (6) pages for filing

Phyllis W. Philip-Guide
 Assistant to Stephen Reilly

(no signature - w/initial
 Filing - was re-submitted,
 See DN
)


9/17/2007

DOCUMENT NUMBER - DATE

09961 NOV-15

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMISSION

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

Docket No: 070293-SU

Filed: September 17, 2007

**CITIZENS' MOTION TO PERMIT ADDITIONAL INTERROGATORIES AND
PRODUCITON OF DOCUMENTS**

Pursuant to Chapter 350.0611, Florida Statutes, Rule 28-106.206, Florida Administrative Code, and Rules 1.340 and 1.350, Florida Rules of Civil Procedure, the Citizens of the State of Florida ("Citizens"), by and through the Office of Public Counsel ("OPC") respectfully request that the Commission permit the Citizens to propound more interrogatories and requests for production of documents than permitted by Order No. PCS-07-0729-PCO-SU, Order Establishing Procedure, in this docket. In support of this request the Citizens submit:

1. Commission Order No. PCS-07-0729-PCO-SU, Order Establishing Procedure, issued on September 11, 2007, limits the number of interrogatories and requests for production of documents to 100 each, including all subparts.
2. The 100, including subparts, limitation on interrogatories and requests for production of documents, including all subparts, is an inadequate number of discovery requests for this particular rate case. KW Resort Utilities, Inc.'s ("KWRU", "Utility", or "Company") last general rate case was initiated in 1983, with the Commission's Final Order establishing rates in that proceeding being issued on July 23, 1985.

3. KWRU is a Class A Utility seeking a significant 58% increase in its wastewater rates. The Company claims that its proposed rate increase is largely driven by major capital projects including the following:

- (a) KWRU recently re-sleeved portions of their collection lines because of purported substantial infiltration. The Company claims the degradation was impacting the Company's ability to properly treat effluent and utilize the treated effluent for reuse purposes. The project was completed in early 2007 at a cost of approximately \$600,000.
- (b) The Company also began a project to refurbish the wastewater treatment plant purportedly due to the deterioration caused by the salt content in its environment. Construction began in 2006 and is slated to be completed by October 1, 2007. The estimated cost is \$426,650.
- (c) The Company is also converting its facilities to an Advanced Waste Treatment (AWT) facility at the request of Monroe County. The County has required all utilities operating in the Keys to convert to an AWT facility by 2010; however, the Company explains that the County has specifically requested it to convert prior to the deadline and has granted it \$700,000 to do so. According to the Company, since much of the effort to convert to an AWT facility would be duplicated in the projects already undertaken, KWRU decided to undertake the conversion now at an estimated cost of \$792,350.

4. The rate increase request is also driven by what the Company claims are significant increases to its operating costs, including significant staffing changes resulting from the change to AWT. The Company estimates its increased costs will amount to approximately \$288,625 per year.

5. In order for the Citizens to adequately critique the Company's requested revenue requirement the Citizens will need to review and analyze data since the Commission's last rate case order in 1985 up to the present, as well as study support for significant pro forma additions included in this case.

6. The task of reviewing this volume of activity over this extended period of time is further complicated by the fact that KWRU has no employees and it operates with the use of employees and services provided by affiliated companies. Discovering the details of the complex relationships between these affiliated companies, to assure that ratepayers are not subsidizing non-utility operations requires additional discovery requests.

7. The importance of discovering the details of these complex affiliated transactions is underscored because the Citizens have recently discovered documents which suggest that there may be misdealings between the KWRU and a former member of the Monroe County Board of County Commissioners. The Citizens have discovered that the Monroe County Board of County Commissioners were the subject of a Grand Jury investigation which also involved monies paid to a former County Commissioner by KWRU or by KW Utilities, which may be one of KWRU's affiliates. The Grand Jury report alleged that Mr. John L. London, former Monroe County Commissioner, received checks from KWRU totaling \$147,500.00. The State Attorney's investigation found that Mr. London received monthly payments from KWRU in the amount of \$2,500.00 from the period of November 1998 until October 2003. According to the findings

of the Grand Jury, Mr. London's term on the Commission expired in October 1998. The Citizens are concerned that these monies may be reflected as part of capitalized plant in service or in some other manner may have been or will be paid for by ratepayers, as part of the instant rate proceeding. The Citizens' investigation of this matter is in its infancy, but nevertheless, suggests that careful and detailed discovery is required to ensure that ratepayers do not in any fashion pay for any possible misdealings of the Utility. For this reason, as well as the other reasons identified above, the Citizens request that the Commission allow for interrogatories and document requests in excess of that allowed in the procedural order.

8. Permitting additional discovery requests will serve the Parties, the Commission and its Staff because it may shorten or even eliminate the need for depositions, and help the Parties and Staff to better define and sharpen the issues in the case, which can foster more focused prefiled testimony, prehearing statements and a shorter and more efficient hearing.

9. There are 178 interrogatories, including subparts, in the Citizens' First Set of Interrogatories and 70 requests for production of documents in the Citizens' First Set of Requests for Production of Documents propounded upon KWRU. The Citizens estimate a need for a maximum of 400 interrogatories and 200 production of documents to permit adequate follow-up discovery to the Citizens' First Set of Discovery.

WHEREFORE, for the reasons stated above the Citizens respectfully request the Commission to increase the total number of interrogatories to 400, including subparts, and to increase the total number of requests for production of documents to 200, including subparts.

Respectfully submitted,

Stephen C. Reilly
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Attorney for the Citizens
Of the State of Florida

CERTIFICATE OF SERVICE

DOCKET NO. 070293-SU

I HEREBY CERTIFY that a true and correct copy of the foregoing Citizens' Motion to Permit Additional Interrogatories and Production of Documents has been furnished by U. S. Mail and electronic mail to the following parties on this 17th day of September, 2007.

Stephen C. Reilly

Ralph Jaeger, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

F. Marshall Deterding
2548 Blairstone Pines Dr.
Tallahassee, FL 32301
Phone: 850-877-6555
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