

Eric Fryson

From: Dana Rudolf [drudolf@sflaw.com]
Sent: Tuesday, February 14, 2012 1:14 PM
To: Filings@psc.state.fl.us
Cc: Martin Friedman; sayler.erik@leg.state.fl.us; Martha Barrera
Subject: Docket No. 110153-SU; Utilities, Inc. of Eagle Ridge's Application for Increase in Wastewater Rate in Lee County, Florida

Attachments: Motion (Emergency) for Continuance.pdf

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- b) Docket No. 110153-SU
Utilities, Inc. of Eagle Ridge's Application for Increase in Wastewater Rate in Lee County, Florida
- c) Utilities, Inc. of Eagle Ridge
- d) 4 pages
- e) Emergency Motion for Continuance.

2/14/2012

DOCUMENT NUMBER-DATE
00850 FEB 14 2012
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of
UTILITIES, INC. OF EAGLE RIDGE
for an increase in wastewater
rates in Lee County, Florida

DOCKET NO.: 110153-SU

UTILITIES, INC. OF EAGLE RIDGE'S
EMERGENCY MOTION FOR CONTINUANCE

UTILITIES, INC. OF EAGLE RIDGE ("Utility"), by and through its undersigned attorneys and pursuant to Rules 28-106.204 and 28-106.210, Florida Administrative Code, requests this Commission grant a continuance of the current schedule, including the final hearing date, and in support thereof states:

1. Both the Utility and the Office of Public Counsel ("OPC") filed protests of PAA Order No. PSC-11-0587-FOF-SU. OPC has previously requested an extension of time to file its pre-filed testimony which was granted by also continuing the final hearing date from April to May and setting new deadlines for filing pre-filed testimony and discovery. The Utility has not previously sought a continuance and since one has been granted at the request of OPC, it is equitable to grant a continuance to the Utility.

2. Rule 28-106.210, F.A.C., provides that a continuance may be granted for good cause shown. Further, in this case no party, nor the public, is prejudiced by granting a continuance. In fact, since the PAA Order rates are greater than the interim rates, and the PAA Order rates have not be implemented, the customers are actually benefitting from a continuance by paying lower rates during the pendency of the protests.

DOCUMENT NUMBER-DATE

00850 FEB 14 2011

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3. A substantial issue in the Utility's protest is the Commission's treatment of the expenditure by its parent, Utilities, Inc., for a new customer service and billing system, referred to as Project Phoenix. The Utility believes that the Commission will benefit in making a decision by hearing testimony from the person who managed the team of consultants who designed Project Phoenix. Unfortunately, that person is involved in two global projects and will not have the time to assist the Utility in this matter for sixty (60) days.

4. Further, OPC at the issues identification conference pointed out that the recordkeeping issue which OPC raised in its protest, and the Project Phoenix issue raised by the Utility are really generic to all Utilities, Inc. subsidiaries in Florida, and that OPC was concerned that the entire rate case expense of this issue, which affects all Utilities, Inc. subsidiaries in Florida was going to be borne by the customers of the Utility. As a consequence of this concern, the OPC, Utility, and Staff discussed removing the recordkeeping and Project Phoenix issues from the Utility's protest and addressing them in a generic docket, where the rate case expense would be treated as a regulatory asset for each Florida subsidiary on a pro-rata (ERC) basis.

5. Since removing the recordkeeping and Project Phoenix issues would still leave the rate case expense issue for litigation, the Utility believes it is more economical to have all issues resolved in one proceeding, and since the Utility docket is pending, it is logical to litigate the issues in the open docket. Utilities, Inc. would agree to spread the rate case expense as discussed by the parties as if the issues were handled in a generic docket. Obviously, the Utility would waive the Section 367.081(8), Florida Statutes, deadline to accommodate a continuance.

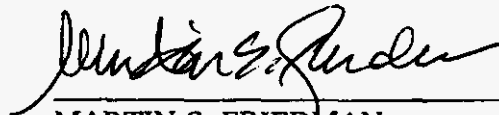
6. The granting of a continuance in the current docket would have the same impact on the Commission and OPC as if a new generic docket was established, to which they both conceptually agreed to.

7. OPC has advised the Utility that it would not oppose a 60-120 day continuance. It appears that the Staff does not support a continuance even though it will have the same impact as establishing a separate docket, and would thus Staff apparently prefers to have two dockets open, and subject the Utility and customers to additional rate case expense.

WHEREFORE, Utilities, Inc. of Eagle Ridge respectfully requests the Commission, through the Pre-Hearing Officer, grant a continuance of this proceeding for a period of sixty (60) days, and will accept a 120 continuance (and a statutory deadline waiver) to accommodate Staff and Commission schedule.

Respectfully submitted this 14th day of February, 2012, by:

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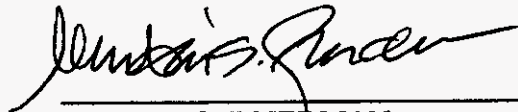
MARTIN S. FRIEDMAN
Florida Bar No.: 0199060
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 110153-SU

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties this 14th day of February, 2012:

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c/o The Florida Legislature
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Tallahassee, FL 32393-1400

Martha Barrera, Esquire
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