

Eric Fryson

From: Roberts, Brenda [ROBERTS.BRENDA@leg.state.fl.us]
Sent: Monday, January 14, 2013 3:14 PM
To: Filings@psc.state.fl.us
Cc: Sayler, Erik; Vandiver, Denise; Gene Brown; Martha Barrera; Marty Friedman; Michael Lawson
Subject: E-filing (Dkt. No. 110200-WU)

Attachments: Citizens response to WMSI motion dated 1-7-13.doc.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Erik L. Sayler, Associate Public Counsel
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b. Docket No. 110200-WU

In re: Application for increase in water rates in Franklin County by Water Management Services, Inc.

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

d. There are a total of 3 pages.

e. The document attached for electronic filing is Citizens response to WMSI motion dated 1-7-13.doc.pdf

Thank you for your attention and cooperation to this request.

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DOCUMENT NUMBER-DATE

00277 JAN 14 2013

FPSC-COMMISSION CLERK

1/14/2013

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water rates in
Franklin County by Water Management
Services, Inc.

DOCKET NO. 110200-WU

DATED: JANUARY 14, 2013

**CITIZENS' RESPONSE TO WATER MANAGEMENT SERVICES, INC.'S "MOTION
FOR ORDER PROHIBITING INTERFERENCE (SIC) WITH FINANCING"**

The Citizens of the State of Florida, by and through the Office of Public Counsel ("OPC"), hereby respond to WMSI's "Motion For Order Prohibiting Interference (sic) With Financing," dated January 7, 2013, and state:

1. As a preliminary observation, this most recent mischaracterization of OPC's participation by WMSI is but the latest in a long series of efforts to deflect and distract the Commission's attention away from the financial difficulties created by WMSI's management, resulting in outstanding debt greater than plant in service; default in debt payments; delays in payment of regulatory assessment fees; and cash advances to WMSI's president and his companies, for non-utility purposes, in an amount roughly equal to 1/3 of the value of the utility's entire rate base. The pattern has a common theme: the utility's problems are always someone else's fault. For instance, in the current rate case alone WMSI has claimed (in response to discovery served by Staff regarding Account 123) that the Commission Staff has "drunk OPC's Kool-Ade" (Water Management Services, Inc.'s Response to Staff's Motion to Compel Discovery, June 27, 2012, at page 2.) In the Utility's rate case application, it claimed that it could not receive a fair hearing from the Commission, in part because the Staff and Commission committed an "ambush" against WMSI in its last case (WMSI's November 7, 2012 application for increase, at pages 11-12). While the Commission has been tolerant of these and other

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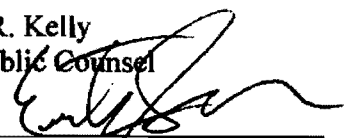
FPSC-COMMISSION CLERK

excesses to this point, OPC expresses the hope that the Commission will inform WMSI and WMSI's counsel that any entertainment value associated with its intemperate and deliberately provocative rhetoric dissipated long ago.

2. As to the substance (using the term loosely) of the instant motion, OPC rejects WMSI's premise as absurd and its motion as frivolous. Further, aside from the fact that its assertion is without merit, even WMSI's citation of authority is wholly misplaced. When referring to the "full and complete exercise of its jurisdiction," Section 367.121(g), F.S. refers to the Commission's jurisdiction over certain *utilities*. The powers granted to the Commission do not include the ability to impose injunctions on the utilities that it regulates, much less parties who intervene in dockets involving those utilities.
3. No other comment on the motion is warranted, other than to state that, while OPC will continue to participate in this proceeding in a manner that maintains appropriate decorum and is respectful of the Commission's processes, no amount of verbal and written invective from WMSI will dissuade OPC from the participation in and advocacy of positions that it believes are in the customers' best interests. OPC will continue to focus on the issues protested by the parties as well as the relevant facts and law at issue in this case.

Wherefore, OPC respectfully requests the Commission dismiss this motion.

J.R. Kelly
Public Counsel



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing **CITIZENS' RESPONSE TO WATER MANAGEMENT SERVICES, INC.'S "MOTION FOR ORDER PROHIBITING INTERFERENCE (SIC) WITH FINANCING"** has been furnished by electronic mail and U.S. Mail on this 14th day of January 2013, to the following:

Martha Barrera
Michael Lawson
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Mr. Gene D. Brown
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