

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. 150071-SU

**CROSS-PETITION OF HARBOR SHORES CONDO UNIT OWNERS
ASSOCIATION INC. OF STOCK ISLAND FOR A FORMAL ADMINISTRATIVE
HEARING**

**Harbor Shores Condominium Unit Owners Association Inc. (Harbor Shores)
pursuant to Section 120.57, Florida Statutes, and Rules 25-22-029(3) and 28-106.201,
Florida administrative Code, files this Cross-Petition for Formal Administrative
Hearing, protesting Order No. PSC-16-0123-PAA-SU (Order) of the Florida Public
Service Commission (Commission) issued March 23,2016.**

Preliminary Matters

1. The name and address of the agency affected and the agency's docket number is:

Florida Public Service Commission
25440 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Docket No. 150071-SU

2. The name of the Utility and it's mailing address is:

KW Resort Utilities Corp (KWRU)
6630 Front Street
Key West, FL 33040-6050

3. The name and address of the person authorized to receive notices and
communications in respect to this matter is:

Ann M Aktabowski
Harbor Shores Condominium Unit Owners Association
6800 Maloney Ave. Unit 100
Key West, FL 33040
Phone: (770) 862-6200
Email: HarborShoresHOA@gmail.com

4. Harbor Shores received a copy of the Order via the PSC website after
notification by the Office of Public Counsel (OPC) that it had been posted and a copy of
OPC's Petition and Monroe County's Petition from that same source.

5. The interests of Harbor Shores are substantially affected by the Order. Harbor Shores agrees with all of the specific facts that warrant reversal or modification as detailed and protested in the Petitions and Protests filed by Monroe County and the Office of Public Counsel and in addition, Harbor Shores specifically protests the current designation of “Residential Customers” and the associated charges currently being billed monthly by KWRU.

6. KWRU provides wastewater services to Harbor Shores on Stock Island in Monroe County. Harbor Shores is a Mobile Home Community with 69 Units and all Unit Owners are members of The Harbor Shores Condominium Unit Owners Association. Unit Owners pay monthly Maintenance fees which, among other services, includes the costs of basic cable TV, lawn maintenance and wastewater services. Harbor Shores Association pays KWRU the monthly charges for ALL 69 UNITS even though Harbor Shores Association has no account of record with KWRU. We have been told that the Association must be responsible for collecting and paying for all residential units because KWRU has no way to shut down individual units should a unit owner fail to pay. Harbor Shores believes that this meets the very definition of a General Service customer and we should be charged accordingly.

7. In 2015 Harbor Shores Association paid KWRU \$23,243.00 for wastewater services, if the Phase 1 proposed rates were in effect for 2016, Harbor Shores charges would be approximately \$38,875, an increase of approximately 64% and if Phase 11 rates were in effect, Harbor Shores’s charge would be approximately \$42,312, an increase of approximately 82%.

8. If Harbor Shores Association was designated a General Service customer, as we believe we should have been in 2007, we would have paid \$15,303 in 2015 for wastewater services and if the Phase 1 proposed rates were in effect for 2016, the charges would be approximately \$22,218 and if Phase 11 rates were in effect and Harbor Shores was charged the General Service rates, the charges would be approximately \$24,462.

9. The Order establishes April 13, 2016 as the date by which petitions must be filed, and cross petitions may be filed within ten days thereafter. This Cross-Petition is timely filed.

10. This Cross-Petition is filed for the purpose of seeking the Commission’s action with respect to:

1. All of the issues and protests raised in the petitions filed by OPC and Monroe County.
2. Ensuring that Harbor Shores and other customers of KWRU are properly categorized and charged the appropriate rates for that category of customer.

3. Requiring KWRU to issue a refund to Harbor Shores for overcharges incurred over the last 9 years and/or for the maximum refund allowed by PSC regulations.

Wherefore, Harbor Shores Condominium Unit Owners Association cross-protests and objects to Order No. PSC-16-0123-PAA-SU as to the specifics raised in this Cross-Petition, and cross-petitions the Commission to consider a formal evidentiary hearing, under the provisions of Section 120.57(1), Florida statutes and further requests that such hearing be scheduled at a convenient time within or as close to practical to the Utilities service area.

Respectfully submitted on this 20th day of April, 2016 by:

Ann M. Aktabowski
Harbor Shores
6800 Maloney Ave. Unit 100
Key West, FL 33040
Phone: 770 862-6200
HARBORSHORESHOA@GMAIL.COM

/s/ Ann M. Aktabowski
ANN M. AKTABOWSKI
For Harbor Shores

CERTIFICATE OF SERVICE
DOCKET NO. 150071-SU

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-mail to the following parties this 19th day April, 2016:

Erik L. Saylor, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
SAYLER.ERIK@leg.state.fl.us

Martha Barrera, Esquire
Office of General counsel
Florida Public service Commission
2540 Shummard Oak Boulevard
Tallahassee, FL 32399-0850
MBARRERA@psc.state.fl.us

Friedman Law firm
Martin S. Friedman, Esquire
766 N. Sun Drive, Suite 4030
Lake Mary, FL 32746
mfriedman@ff-attorneys.com

Gardner Law Firm
Robert Scheffel Wright/John T. La Via, Esquire
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com

K W Resort Utilities Corp.
Mr. Christopher Johnson
6630 Front Street
Key West, FL 33040-6050
chrisw@bellsouth.net

Monroe County Attorney's Office
Cynthia Hall/Robert B. Shillinger
1111 12th Street, Suite 408
Key West, FL 33040
Hall-Cynthia@MonroeCounty-fl.gov

/s/ Ann M. Aktabowski
ANN M. AKTABOWSKI

