

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 Utilities, Inc. of Florida.

DOCKET NO. 160101-WS

FILED: April 28, 2017

**RESPONSE TO COMMISSION'S ORDER REQUESTING
ADDITIONAL COMMENTS CONCERNING
PETITION FOR INTERVENTION BY SUMMERTREE WATER ALLIANCE**

The Citizens of the State of Florida, by and through the Office of Public Counsel (OPC), hereby file this Response to Commission's Order No. PSC-17-0143-PCO-WS, issued April 27, 2017, Requesting Additional Comments Concerning Petition for Intervention by Summertree Water Alliance (Summertree Alliance) and, in support of the Summertree Alliance's intervention, states:

1. OPC believes it is reasonable to conclude the Summertree Alliance meets the three prong associational standing test set out in Florida Home builders v. Dept. of Labor and Employment Security, 412 So. 2d 351 (Fla. 1982), and Farmworker Rights Organization, Inc. v. Dept. of Health and Rehabilitative Services, 417 So. 2d 753 (Fla. 1st DCA 1982).
2. OPC understands that the Summertree Alliance is an ad hoc association of Utility, Inc. of Florida (UIF) ratepayers who reside in the Summertree community and who receive utility services from UIF. The Summertree Alliance was been working with UIF towards obtaining a permanent solution for the drinking water it receives from UIF since January 2014 and opposing unreasonable rate increases since before then. Since the time of its creation, the Summertree Alliance has continuously advocated for clear drinkable water and reasonable rates.

3. This proceeding will determine the fair, just and reasonable water and wastewater rates to be charged by UIF. The members of Summertree Alliance allege they will be substantially affected by the Commission's decisions to increase and/or consolidate UIF's rates.

4. The intervention by Summertree Alliance in this proceeding appears to be consistent with its previously stated goals of obtaining clear drinkable water and reasonable rates.

5. As UIF ratepayers, the interests of its members would appear to be substantially affected by the Commission's determination in this proceeding. Accordingly, the relief requested is generally consistent with the type the Commission has found to be appropriate for an association to receive on behalf of its members.

6. Therefore, the Summertree Alliance would appear to satisfy the three prong test for associational standing for intervention as established in Florida Home Builders, 412 So. 2d at 353.

7. Granting intervention would not be inconsistent with the Commission's prior decisions granting intervention to unincorporated, ad hoc organizations similarly situated to the Summertree Alliance. See Order No. PSC-16-0568-PCO-EI and Order PSC-16-0158-PCO-EI (granting intervention to the Florida Industrial Power Users Group (FIPUG) and South Florida Health and Hospital Association (SFHHA) in the 2016 Florida Power & Light, Inc. (FPL) rate case).

WHEREFORE, OPC files this response to the Commission's request for additional comments regarding Summertree Alliance's petition to intervene and

respectfully states that granting the Summertree Alliance's intervention would not be inconsistent with the Commission's prior decisions.

Respectfully submitted 28th day of April, 2017.

J. R. Kelly
Public Counsel

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