

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in)
Wastewater rates in Monroe County by) DOCKET NO. 20170141
K W Resort Utilities Corp.)
_____) FILED: JULY 27, 2017

MOTION TO INTERVENE OF MONROE COUNTY, FLORIDA

Monroe County, Florida, a political subdivision of the State of Florida, pursuant to Chapters 120 and 367, Florida Statutes,¹ and Rules 28-106.201 and 28-106.205, Florida Administrative Code ("F.A.C."), hereby moves to intervene in the above-styled docket requested by K W Resort Utilities Corporation ("KWRU").

In summary, Monroe County ("County") is a political subdivision of the State of Florida and a major customer for wastewater services from KWRU. As a customer, Monroe County's substantial interests are directly affected by the issues to be resolved in this docket; accordingly, the County is entitled to intervene to protect its substantial interests in receiving adequate and reliable wastewater services from KWRU at the lowest possible cost, i.e., at fair, just and reasonable rates. In further support of this Motion to Intervene, Monroe County states as follows.

Parties and Notice

1. The name, address, and telephone number of the Petitioner are as follows:

¹ All references herein to the Florida Statutes are to the 2016 edition thereof.

Monroe County, Florida
Monroe County Attorney's Office
1111 12th Street, Suite 408
Key West, Florida 33040
Telephone (305) 292-3470
Telecopier (305) 292-3516.

2. All pleadings, orders and correspondence should be directed to Petitioner's representatives as follows:

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Bowden, Bush,
Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
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with a courtesy copy to:

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1111 12th Street, Suite 408
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3. The agency affected by this Petition is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.

4. Monroe County became aware of this matter when it received a copy of KWRU's test year letter dated June 6, 2017 ("KWRU's Test Year Letter") on June 7, 2017. No final hearing has been set in this docket, accordingly, this Motion to Intervene is timely.

Statement of Affected Interests

5. KWRU provides wastewater services on Stock Island in Monroe County. The County owns and operates facilities on Stock Island that receive wastewater services from KWRU, including, but not limited to the Monroe County Detention Center, the Monroe County Sheriff's Office and Headquarters, County facilities located at Bernstein Park, the Stock Island Fire Station, and Bayshore Manor, an Assisted Living Facility. The County is a large, possibly the largest, customer of KWRU. Based on information in KWRU's Test Year Letter and statements made by representatives of KWRU at informal meetings convened by Staff on June 14, 2017 and June 22, 2017, it appears that KWRU will be seeking a substantial rate increase in this proceeding. Clearly, as a major customer of KWRU, the County's substantial interests will be directly affected and determined by any decisions that the Commission makes in this docket.

6. In addition, the County participated appropriately, extensively, and constructively as a full party in KWRU's recently concluded rate case (Docket No. 150071-SU). The County's substantial interests are directly and adversely affected in this docket for the same reasons that the County's substantial interests were affected in Docket No. 150071-SU.

7. In sum, Monroe County's substantial interests will be directly and adversely affected by the issues that will be

resolved in the docket, and Monroe County is accordingly entitled to intervene as a full party in this docket.

Disputed Issues of Material Fact

8. With regard to the County's right to intervene in this docket, as requested in this Motion to Intervene, Monroe County does not believe that there are any disputed issues of material fact under the Commission's applicable statutes. Monroe County is a large, perhaps the largest, customer of KWRU, and the County's substantial interests will clearly be determined by the Commission's actions in this docket. These undisputed facts establish the County's right to intervene.

9. With regard to the substantive issues to be addressed in this docket, KWRU has not yet identified the specific bases for its request for increased rates. Accordingly, the County reserves all of its rights to raise additional issues in accordance with the Commission's rules and the anticipated Order Establishing Procedure in this case.

Ultimate Facts Alleged

10. With regard to the Motion to Intervene, the County is a large customer of KWRU and accordingly, the County's substantial interests will be directly affected by the issues to be addressed in this docket and, accordingly, the County is entitled to intervene in this docket.

11. With regard to the substantive issues to be addressed

in this docket, it is KWRU's burden to prove that it is entitled to any rate increases above those already granted by the Commission in Docket No. 150071-SU.

Statutes and Rules That Entitle Monroe County to Relief

12. The applicable statutes and rules that entitle the County to relief include, but are not limited to, Sections 120.569, 120.57(1), 367.081, 367.0816, 367.084, 367.101, and 367.121, Florida Statutes, and Chapter 25-30, F.A.C., and Rules 28-106.201 through 28-106.217, F.A.C.

Statement Explaining How the Facts Alleged By Monroe County Entitle the County to the Relief Requested

13. Section 120.569, Florida Statutes, provides that a person whose substantial interests are being determined in a proceeding is a party to the proceeding. Monroe County's substantial interests are being determined in this proceeding, and thus the County is entitled to participate as a party. Rule 28-106.201, F.A.C., similarly provides that persons whose substantial interests are subject to determination in agency proceedings are entitled to participate in such proceedings.

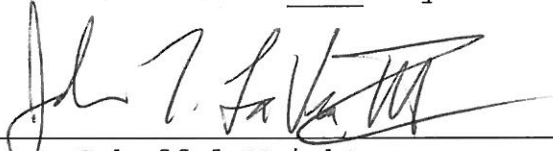
14. The above-cited provisions of Chapter 367, Florida Statutes, provide that customers of wastewater utilities are entitled to have the Commission set rates for the services provided by such utilities that are fair, just, reasonable, compensatory, and not unfairly discriminatory. Accordingly,

Monroe County is entitled to have the Commission set rates that comply with Chapter 367, Florida Statutes.

RELIEF REQUESTED

WHEREFORE, Monroe County respectfully requests the Florida Public Service Commission to enter its order GRANTING this Motion to Intervene and requiring that all parties to this proceeding serve copies of all pleadings, notices, and other documents on the County's representatives identified in paragraphs 1 and 2 above.

Respectfully submitted this 27th day of July 2017.



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Attorneys for Monroe County, Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by electronic mail and U.S. Mail, on this 27th day of July 2017.

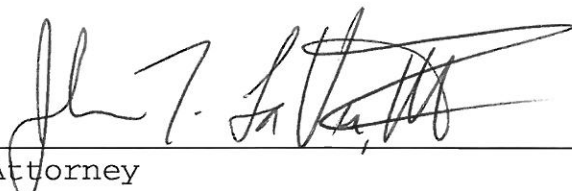
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