

**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. 20170141-SU

FILED: February 19, 2018

**JOINT MOTION TO APPROVE PROCEDURAL STIPULATION**

K W Resort Utilities Corp. (“KWRU”), and the Office of Public Counsel (“OPC”) file this Joint Motion to approve the Procedural Stipulation (“Stipulation”), Exhibit “A”, attached hereto.

In support of this Joint Motion, KWRU and OPC state:

1. KWRU and OPC have entered into a Stipulation resolving procedural matters within the Prehearing Officer’s discretion to grant.
2. By filing this Joint Motion and Stipulation, KWRU and OPC, with the concurrence of Monroe County, hereby withdraw their respective procedural Motions filed on February 14 and 16, 2018, contingent upon the approval of this Stipulation.
3. The approval of this Stipulation will resolve KWRU’s request for an extension of time to file its responses to OPC’s Third Set of Interrogatories and Request for Production of Documents. OPC hereby supports KWRU’s request to file its response on or by February 20, 2018.
4. The approval of this Stipulation will resolve OPC and Monroe County’s request to extend the deadline for filing Intervenor testimony from March 8 to March 14, 2018. KWRU hereby supports extending the deadline to file Intervenor testimony.

5. Approving the Stipulation does not affect any of the other procedural deadlines or controlling dates established by Order No. PSC-2018-0039-PCO-SU, issued January 12, 2018 (the Order Establishing Procedure or “OEP”).

6. Positions of the Parties: Monroe County fully supports this Motion and approval of the Stipulation. Commission staff indicated they take no position on this Motion or Stipulation.

7. The approval of this Stipulation is in the public interest as it will avoid the time, rate case expense, and uncertainty associated with litigating a straight forward procedural matter that the Parties have agreed to resolve. Further, this Stipulation is in keeping with the Commission’s long-standing policy and practice of encouraging the Parties to resolve contentious matters in an efficient, cost-effective manner.

WHEREFORE, KWRU and OPC respectfully request the Prehearing Officer to approve without modification the attached Procedural Stipulation.

Respectfully submitted this 19th day of February, 2018

*/s/ Erik L. Saylor*

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*/s/ Martin S. Friedman*

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Attorneys for K W Resort Utilities Corp.

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing JOINT MOTION TO APPROVE PROCEDURAL STIPULATION has been furnished by electronic mail on this 19th day of February, 2018, to the following:

Kyeshia Mapp/Jennifer Crawford Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 Email: <a href="mailto:kmapp@psc.state.fl.us">kmapp@psc.state.fl.us</a> <a href="mailto:jcrawfor@psc.state.fl.us">jcrawfor@psc.state.fl.us</a>	Martin S. Friedman, Esquire Friedman & Friedman, P.A. 766 N. Sun Drive, Suite 4030 Lake Mary, FL 32746 Email: <a href="mailto:mfriedman@ff-attorneys.com">mfriedman@ff-attorneys.com</a>
Christopher Johnson K W Resort Utilities Corp. C/O K.W. Resort Utility 6630 Front Street Key West FL 33040 Email: <a href="mailto:chriskw@bellsouth.net">chriskw@bellsouth.net</a>	Robert Scheffel Wright, Esquire John T. LaVia, III, Esquire Gardner, Bist, Bowden, Bush, Dee, LaVia & Wright, P.A. 1300 Thomaswood Drive Tallahassee, FL 32308 Email: <a href="mailto:schef@gbwlegal.com">schef@gbwlegal.com</a> <a href="mailto:jlavia@gbwlegal.com">jlavia@gbwlegal.com</a>
Barton W. Smith, Esquire Nick Batty, Esquire Smith Hawks 138-142 Simonton Street Key West, FL 33040 Email: <a href="mailto:bart@smithhawks.com">bart@smithhawks.com</a> <a href="mailto:nick@smithhawks.com">nick@smithhawks.com</a>	Robert B. Shillinger Cynthia Hall, Esquire Monroe County Attorney's Office 1111 12 <sup>th</sup> Street, Suite 408 Key West, FL 33040 Email: <a href="mailto:hall-cynthia@monroecounty-fl.gov">hall-cynthia@monroecounty-fl.gov</a> <a href="mailto:Shillinger-Bob@MonroeCounty-FL.gov">Shillinger-Bob@MonroeCounty-FL.gov</a>

*/s/ Erik L. Saylor*

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Erik L. Saylor  
Associate Public Counsel

**Exhibit “A”**

**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. 20170141-SU

FILED: February 19, 2018

**PROCEDURAL STIPULATION**

THIS PROCEDURAL STIPULATION is made and entered into this 19th day of February, 2018, by and between K W Resort Utilities Corp (“KWRU”) and the Office of Public Counsel on behalf of the customers of KWRU (“OPC”).

**WITNESSETH**

WHEREAS, the Florida Public Service Commission (“Commission”) issued the Order Establishing Procedure (“OEP”), Order No. PSC-2018-0039-PCO-SU, January 12, 2018, establishing the procedural deadlines and controlling dates applicable to this rate case; and

WHEREAS, on February 14, 2018, KWRU timely filed a Motion requesting a six-day extension of time for filing its responses to OPC’s Third Set of Interrogatories and Request for Production of Documents; and

WHEREAS, on February 16, 2018, OPC and Monroe County timely filed its Joint Response to KW Resort’s Motion for extension of time to respond to discovery and Joint Motion for extension of time to file testimony; and

WHEREAS, on February 16, 2018, in the spirit of cooperation, KWRU and OPC met to discuss a path forward on KWRU and OPC/Monroe County’s respective Motions for extension of time that would provide a resolution mutually satisfactorily for all Parties; and

WHEREAS, in order to avoid the time, rate case expense, and uncertainty associated with adversarial litigation, and in keeping with the Commission's long-standing policy and practice of encouraging parties to resolve procedural issues whenever possible, KWRU and OPC hereby enter into this Procedural Stipulation to resolve certain procedural matters in accordance with the terms and conditions contained herein; and

NOW, THEREFORE, for and in consideration of the mutual covenants set forth below, KWRU and OPC ("Parties") agree as follows:

1. The Parties agree that KWRU's deadline for filing its responses to OPC's Third Set of Interrogatories and Request for Production of Documents should be extended six days to February 20, 2018.

2. The Parties agree that the Intervenors' deadline for filing testimony should be extended six-days to March 14, 2018.

3. OPC will review its Fourth and Fifth Sets of Discovery to KWRU and make a good faith effort to reduce the Interrogatory requests and documents to be produced. OPC will advise Staff and other parties in writing of changes to these discovery requests.

4. The Parties agree that no Party will be prejudiced by the approval of this Procedural Stipulation.

5. The Parties agree to meet informally to resolve any future procedural matters, if any arise.

6. By filing this Joint Motion and Stipulation, the Parties, with the concurrence of Monroe County, hereby agree to withdraw their respective procedural Motions filed on February 14 and 16, 2018, contingent upon the approval of this Stipulation.

7. If this Procedural Stipulation is not accepted and approved without modification by the Prehearing Officer, then this Procedural Stipulation shall be considered null and void and neither Party may use the attempted agreement in this or any other proceeding.

8. This Procedural Stipulation will become effective on the date the Commission enters an order approving it in total. Upon the issuance of an order approving this Procedural Stipulation, the Parties' respective Motions filed on February 14 and 16, 2018, shall be deemed withdrawn in accordance with the terms of this Procedural Stipulation.

9. The Parties have evidenced their acceptance and agreement with the provisions of this Procedural Stipulation by their signatures, and personally represent that they have authority to execute this Stipulation and Settlement Agreement on behalf of their respective Parties.

**OFFICE OF PUBLIC COUNSEL**

By: */s/ Erik L. Sayler*

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J.R. Kelly  
Public Counsel

Erik L. Sayler  
Associate Public Counsel  
Office of Public Counsel

Attorneys for the Citizens of the State  
of Florida

**K W RESORT UTILITIES CORP.**

By: */s/ Martin S. Friedman*

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