

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for limited proceeding
rate increase in Brevard County by
Aquarina Utilities, Inc.

DOCKET NO.: 20190080-WS

**AQUARINA UTILITIES, INC.'S RESPONSE IN OPPOSITION TO OFFICE
OF PUBLIC COUNSEL'S MOTION TO RESCHEDULE THE CUSTOMER
MEETING AND CONTINUE THE DOCKET**

AQUARINA UTILITIES, INC., by and through its undersigned attorneys, and pursuant to Rule 28-106.204(1), Florida Administrative Code, files this Response in Opposition to Office of Public Counsel's Motion to Reschedule the Customer Meeting and Continue the Docket.

1. The threshold issue is whether OPC has waived its right to at this time object to the cancellation of the customer meeting scheduled for March 26, 2020. On March 16, 2020 the undersigned was contacted by Staff advising that due to the COVID-19 pandemic the customer meeting was going to be cancelled and asked that the Utility include with the Notice to customers cancelling the meeting, the Rate Case Overview document that was to be handed out at the meeting. This document includes a page for customers to fill out and mail to the Commission. Presumably when the Staff advised the undersigned of the cancellation of the customer meeting it also advised OPC. If OPC did not object to the cancellation and resultant procedure for hearing customer comments at that time, it has waived its right to do so. Even if OPC did object, it waived its right to move for rescheduling by waiting almost three weeks, until 4:40pm on a Friday afternoon to file a Motion.

2. Totally unrelated to the issue of whether it is necessary to reschedule the customer meeting, OPC goes on *ad nauseam* about perceived problems with the Utility's rate request changing throughout the filing. Mainly, OPC ignores the fact that the actual rates to recover the lost irrigation revenues are a moving target and change as the staff conducts its investigation. The rates set forth in

the Rate Case Overview that was provided to customers in lieu of the customer meeting reflect the most recent iteration of those rates.

3. OPC's complaint about the timing of the notice is another "red herring". What OPC fails to recognize is that the initial customer notice that is supposed to be mailed within 50 days of the official date of filing must first be approved by the staff. Rule 25-30.466(5)(b), Florida Administrative Code. The draft initial customer notice was first provided to staff on August 22, 2019. Over the next month or so the Utility worked with staff to make revisions to rates set forth in the notice to satisfy staff. The initial customer notice was approved by staff on November 7, 2019 and mailed to customers five days later. Mailing of notices five days after staff approval can hardly be considered to be lack of diligence.

4. OPC has basically requested that this case be held in abeyance until a customer meeting can be held in the service area, or as an alternative a videoconference can be held. The various Executive Orders issued by the Governor in response to COVID-19 have dictated a change in way we live our lives and conduct our businesses. There is no requirement that a customer meeting be held in a limited rate case proceeding. The alternative of sending the Rate Case Overview to customers which includes the manner in which comments can be provided, and even includes a preprinted page with the Commission's address provides a reasonable opportunity for customer comment. In fact a number of customers have already availed themselves of this procedure. Among those comments is the apropos comment of customer Schwinn which points out the shortcoming of the 2017 Order which is the reason for the current rate restructure request by the Utility:

I am aware that the proposed revenue adjustment is due to the Utility's lost income from golf course irrigation because our community decided to construct its own well and pump station. Had it not been for the PSC's granting a 220% increase in the Utility's non-potable rate in 2017 ... the need for the community to construct its own facility would have been unnecessary.

The Utility's concern expressed in the 2017 rate case that such a large increase in irrigation rates would lead to the loss of irrigation customers fell on deaf ears. Unfortunately, that concern was accurate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by

E-mail to the following parties this 6th day of April, 2020:

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Respectfully submitted this 6th day of April,
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