

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in Sumter County by The Woods Utility Company	Docket No. 20190125-WS Filed: April 17, 2020
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THE WOODS UTILITY COMPANY'S MOTION FOR SUMMARY FINAL ORDER

The Woods Utility Company (hereinafter referred to as "The Woods" or "Utility"), by and through its undersigned and pursuant to Rule 28-106.204(1), Florida Administrative Code, hereby moves for a Summary Final Order: (1) dismissing or denying the Petition Requesting Section 120.57 Hearing and Protest of Proposed Agency Action ("PAA Petition") filed by Snooze N Scoot RV Campground, Inc. (Snooze N Scoot); and (2) affirming the Commission's proposed agency action reflected in Order No. PSC-2020-0087-PAA-WS issued March 25, 2020 ("PAA Order"). The Woods requests expedited disposition of the Motion. In support of this Motion, The Woods states as follows:

I. BACKGROUND

1. On June 6, 2019, The Woods filed its application for staff assisted rate case in Sumter County. The Official Date of Filing was subsequently established by the Commission as August 5, 2019.

2. The Commission issued its Staff Report with preliminary findings on November 27, 2019 prior to the scheduled Customer Meeting. The Commission conducted its Customer Meeting on December 18, 2019. The PAA Order states, "One customer was in attendance that had a surrogate provide oral comments. All of the

attendees present were from the Utility's sole general service customer, Snooze N Scoot, an RV park. At the meeting, the general service customer cited discolored water, low and fluctuating water pressure, and water outages as the main issues."

3. On February 20, 2020, the Office of Public Counsel (OPC) filed a "thumb drive" with the Office of Commission Clerk at the request of Snooze N Scoot.

4. At the March 3, 2020 Agenda Conference held at the Commission in Tallahassee, the petitioner Snooze N Scoot appeared with the OPC. Snooze N Scoot was allowed to present further comments and concerns to the Commission at this agenda.

II. THE COMMISSON'S PAA ORDER

5. On March 25, 2020, the Commission issued the PAA Order approving The Woods rate case. In the PAA Order, the Commission found:

The DEP has mandated that the Utility take action to address lead and copper exceedances. We therefore find that the quality of the Utility's product is unsatisfactory. Accordingly, a 100 basis point reduction shall be applied, as further discussed in Section 5.

6. The Commission further found:

We reviewed The Woods' sanitary surveys conducted by the DEP to determine the Utility's overall water facility compliance. A review of the inspection conducted on July 25, 2019, indicated that The Woods' water treatment facility was in compliance with the DEP's rules and regulations. We therefore find that the Woods' water treatment facility is currently in compliance with the DEP's regulations.

III. THE PROPOSED AGENCY ACTION PETITION

7. On April 15, 2020, Snooze N Scoot filed the PAA Petition protesting the PAA Order and requesting the Commission to hold an evidentiary hearing and reverse the Commission's approval of The Woods rate increase. For the reasons set forth below, The

Woods maintains that the PAA Petition fails to raise a genuine issue as to any material fact, and therefore the Petitioner is not entitled to a formal administrative hearing under Section 120.57(1), Florida Statutes. Instead, the PAA Petition merely restates previous statements made by Snooze N Scoot (a) at the Customer Meeting, (b) in written documents filed in the docket file prior to the Agenda, and (c) at the Agenda Conference. Moreover, the PAA Petition does not allege that the Commission's decision reflects a mistake of law. Accordingly, it is lawful and appropriate for the Commission to resolve the PAA Petition by granting this Motion for Summary Final Order.

8. The PAA Order specifically provides that it shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code. Rule 28-106.201 requires a petition to set forth, among other things, a statement of all disputed issues of material fact (or if there are none, the petition must so state) and a concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief. The PAA Petition fails to meet these requirements. The PAA Petition fails to allege any issue of disputed material fact, fails to set forth a statement of facts which would entitle the petitioner relief, and fails to cite the Commission to any statute, rule, or order which would entitle the petitioner to relief. For those reasons alone, the PAA Petition must be dismissed or denied and the PAA Order should be deemed final and effective.

9. Rather than disputing the material facts germane to the Commission's approval of the rate increase, the PAA Petition consists entirely of statements previously considered by the Commission when it rendered its decision. The PAA Petition alludes to the magnitude of the rate increase. The PAA Petition itself states, "Prior to the Agenda

Conference, Mitzie Hodgson mailed a 57-page LOG listing dates and times of reporting the ISSUES to The Woods regarding discolored water, low fluctuating water pressure, water outages and malfunctions of The Woods equipment. In addition to the LOG, a USB included over 1500 photos of the ISSUES of discolored water, water gauge readings of low water pressure and fluctuating water pressure...” Thus the PAA Petition acknowledges that the statements contained therein were previously provided to the Commission prior to its decision at the Agenda Conference. The PAA Order specifically states:

In making this determination, we must consider testimony of the DEP and county health department officials, sanitary surveys, citations, violations, and consent orders issued to the utility, customer testimony, comments, and complaints, and utility testimony and responses to the aforementioned items.

The PAA Petition fails to identify any new statement of facts previously not taken into consideration by the Commission. Therefore, the PAA Petition must be dismissed or denied and the PAA Order should be deemed final and effective.

10. The PAA Petition further acknowledges the fact that the Commission “ORDERED” the overall quality of service provided by The Woods is “UNSATISFACTORY”.

11. The PAA Petition concludes by requesting the Commission grant “NO” increase or “ZERO”. The Woods contends this would be in violation of Section 367.081, F.S. Further, in denying any rate increase, this would afford The Woods the opportunity to file its own PAA petition requesting an administrative hearing.

IV. REQUEST FOR EXPEDITED DISPOSITION

12. As noted in the PAA Order, the quality of service of The Woods was found to be unsatisfactory and the Commission imposed a penalty in the form of a 100 basis point

reduction in the rate of return of equity. The Woods respectfully requests that the Commission rule on this Motion on an expedited basis to avoid an expensive administrative hearing process which may result in a higher rate increase due to allowable rate case expense recovered in future rates. The Woods is currently working on the required action plan Ordered in the PAA Order as it relates to the lead and copper exceedances, with no additional request for recover of these costs. If an administrative hearing proceeds, The Woods intends to request recover of these mandated costs, as well as reasonable and prudent rate case expense.

WHEREFORE, for the foregoing reasons, the Utility respectfully requests that the Commission:

- A. Approve the Utility's Motion for Summary Final Order;
- B. Deny or Deny the PAA Petition; and
- C. Affirm the Commission's proposed agency action reflected in PAA Order;

Respectfully submitted this 17th day of April 2020.



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