

**BEFORE THE PUBLIC SERVICE COMMISSION**

In re: Application for Increase in Wastewater  
Rates in Monroe County by K W Resort  
Utilities Corp.

Docket No. **20170141-SU**

**KW RESORT UTILITIES CORP.'S MOTION FOR APPELLATE AND  
REMAND RATE CASE EXPENSE AND TO TREAT SUCH EXPENSE  
AS A REGULATORY ASSET**

Applicant, KW RESORT UTILITIES CORP. (“KWRU”) by and through its undersigned counsel, moves that the Commission allow it to recover its appellate and remand rate case expense and to treat such expense as a regulatory asset and states as follows:

1. KWRU was granted a rate increase pursuant to Order No. PSC-2018-0446-FOF-SU, which was issued September 4, 2018. Monroe County and the Office of Public Counsel appealed the Commission’s Order.
2. KWRU prevailed in its defense of the appeal brought forth by the Office of Public Counsel and Monroe County.
3. To date, KWRU has incurred appellate and remand expenses of \$ 28,987.00, and is expected to incur additional rate case expense of \$7,500.00, for a total of \$36,487.00 (See attached **Rate Case Expense Exhibit**).
4. This Commission long ago recognized that rate case expense in connection with an appeal and/or remand is authorized by law, subject to the same test of reasonableness as other rate case expense. Order No.: PSC-94-0738-FOF-WU (June 15, 1994); and PSC Order No PSC-99-0691-FOF-SU (April 8, 1999).

5. KWRU's rate case expense in the rate case was approved to be amortized over a four-year period, which four-year amortization period will end in less than 18 months. Due to the short time frame for the underlying rate case expense to complete its amortization, KWRU believes it is more prudent to create a regulatory asset to allow KWRU to seek recovery of the expense in its next rate proceeding. This has been done previously in "ORDER NO. PSC-2019-0363-PAA-WS, issued August 27, 2019, Docket No. 20160101-WS, *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.*"

KW RESORT UTILITIES CORP. requests this Commission award KWRU appellate and remand rate case expenses in the amount of \$36,487.00 and establish a regulatory asset to recover the rate case expense in the Utility's next proceeding.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-mail to the following parties this **18<sup>th</sup>** day of **May, 2021**.

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Richard Gentry, Esquire  
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Respectfully submitted,

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/s/ Barton W. Smith  
Barton W. Smith, Esquire  
For the Firm

AND

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Orlando, FL 32801  
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/s/ Martin S. Friedman  
Martin S. Friedman, Esquire  
For the Firm

# **RATE CASE EXPENSE EXHIBIT**

Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.  
420 S. Orange Avenue, Suite 700  
P.O. Box 2346 (ZIP 32802-2346)  
Orlando, Florida 32801

407-841-1200  
407-423-1831 Fax  
www.deanmead.com  
Fed Tax ID# 59-2049716

Orlando  
Fort Pierce  
Viera  
Tallahassee  
Tampa

K W RESORT UTILITIES CORP  
chris@kwru.com

February 18, 2019  
ID: 037184.070337  
INVOICE # 348420  
MSF

RE: APPEAL

FOR PROFESSIONAL SERVICES RENDERED:

TOTAL FEES	\$304.00
TOTAL CURRENT AMOUNT DUE	\$304.00
<b>TOTAL AMOUNT DUE</b>	<b>\$304.00</b>

**REMITTANCE**

**THIS INVOICE IS PAYABLE UPON RECEIPT.**

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Tallahassee

K W RESORT UTILITIES CORP  
chris@kwru.com

May 20, 2019  
ID: 037184.070337  
INVOICE # 352503  
MSF

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RE: APPEAL

FOR PROFESSIONAL SERVICES RENDERED:

TOTAL FEES	\$494.00
TOTAL CURRENT AMOUNT DUE	\$494.00
<b>TOTAL AMOUNT DUE</b>	<b>\$494.00</b>

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May 20, 2019  
ID: 037184.070337  
INVOICE # 352503  
MSF

RE: APPEAL

FOR PROFESSIONAL SERVICES RENDERED:

**ITEMIZED ATTORNEY FEES**

<b>DESCRIPTION</b>	<b>DATE</b>	<b>ATTY</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
SEVERAL TELEPHONE CONFERENCES WITH MS. GREEN IN BART'S OFFICE; REVIEW 1ST DCA ADMINISTRATIVE ORDER AND LETTER TO OPPOSING ATTORNEYS REGARDING EXTENSION OF TIME;	05/02/19	MSF	0.20	380.00	76.00
TELEPHONE CALL FROM ATTORNEY COWDERY AT PSC; MISCELLANEOUS CORRESPONDENCE WITH ATTORNEYS; RESEARCH AND DRAFT NOTICE OF EXTENSION OF TIME;	05/03/19	MSF	0.40	380.00	152.00
CONFERENCE CALL WITH ATTORNEY COWDERY OF PSC, AND WITH ATTORNEY SMITH;	05/10/19	MSF	0.70	380.00	266.00
<b>SUBTOTAL:</b>					<b>\$494.00</b>
<b>TOTAL CURRENT AMOUNT DUE</b>					<b>\$494.00</b>
<b>TOTAL AMOUNT DUE</b>					<b>\$494.00</b>



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**K W RESORT UTILITIES CORP**  
037184.070337  
May 20, 2019  
Page 2

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K W RESORT UTILITIES CORP  
chris@kwru.com

June 21, 2019  
ID: 037184.070337  
INVOICE # 354134  
MSF

RE: APPEAL

FOR PROFESSIONAL SERVICES RENDERED:

TOTAL FEES	\$836.00
TOTAL CURRENT AMOUNT DUE	\$836.00
<b>TOTAL AMOUNT DUE</b>	<b>\$836.00</b>

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Orlando  
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K W RESORT UTILITIES CORP  
chris@kwru.com

July 17, 2019  
ID: 037184.070337  
INVOICE # 355140  
MSF

---

RE: APPEAL

FOR PROFESSIONAL SERVICES RENDERED:

TOTAL FEES	\$76.00
TOTAL CURRENT AMOUNT DUE	\$76.00
<b>TOTAL AMOUNT DUE</b>	<b>\$76.00</b>

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