

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: December 9, 2022

TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

FROM: Damian Kistner, Engineering Specialist II, Division of Engineering *PC TB*
DK

RE: Docket 20220139-WU -- Application for staff-assisted rate case in Lee County, and request for interim rate increase, by BE Utility Systems, L.L.C. d/b/a Buccaneer Water Service.

Please file the attached correspondence sent to the utility on December 1, 2022, in the above-referenced docket file.

DK/jp

Attachment

COMMISSIONERS:
ANDREW GILES FAY, CHAIRMAN
ART GRAHAM
GARY F. CLARK
MIKE LA ROSA
GABRIELLA PASSIDOMO

STATE OF FLORIDA



KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

December 1, 2022

Mr. Michael Cooke, Esq.
101 East Kennedy Boulevard, Suite 1900
Tampa, Florida 33602

VIA-EMAIL

Re: Docket No. 20220139 - Application for staff-assisted rate case in Lee County, and request for interim rate increase, by BE Utility Systems, L.L.C. d/b/a Buccaneer Water Service

Mr. Cooke:

On August 5, 2022, BE Utility Systems, L.L.C. d/b/a Buccaneer Water Service (Utility) filed an application for a staff-assisted rate case (SARC). On August 29, 2022, the Utility was advised that they were eligible for a SARC with an official filing date of September 28, 2022. This letter addresses a pattern of behavior on the part of the Utility which resulted in the submission of an incomplete application. We respectfully request that you voluntarily withdraw the application within 7 days.

A SARC is a participatory process. The Utility must actively participate in the process by being forthcoming on a timely basis with adequate documentation and financial records in order to support its level of investment and operating costs.

As previously discussed with the Utility, in order to complete a SARC, Commission staff needs information from the Utility on a variety of financial and technical matters in order to perform an audit on the Utility's operating expenses and evaluate the Utility's operation. To obtain this information, staff issued numerous data requests and spoke with you and several Utility representatives multiple times. To date, the Utility has not fully provided the necessary information. Most recently, a phone conference was held on Thursday, November 3, 2022, with Commission staff, you, and representatives of the Utility whereby the requested audit and engineering information and missed deadlines were discussed. The Utility communicated it understood the requests and would provide all of the requested information within a week or less. However, the Utility has either not provided responses at all or provided incomplete and partial responses contrary to the discussion at the November 3, 2022 meeting.

Absent the Utility's cooperation in providing the requested information, it is impossible for our staff to meet the deadlines applicable to SARCs pursuant to Section 367.0814, Florida Statutes (F.S). Moreover, notwithstanding the statutory time constraints, absent the requested information, it is impossible for our staff to complete the SARC process *at all*.

Due to the Utility's lack of cooperation in this docket, staff does not believe it is an appropriate allocation of resources to continue its attempts to process this SARC. Therefore, please withdraw the application. If you do not withdraw the application within the next 7 days, we will take a recommendation to the next available Commission agenda conference to request dismissal.

Please note, once the Utility gathers the information required by the Commission, it may reapply for a SARC. Staff is available to answer any questions you may have prior to filing any future SARC applications.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith C. Hetrick". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.

Keith C. Hetrick
General Counsel