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DIVISION OF ENGINEERING  
TOM BALLINGER  
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# Public Service Commission

May 21, 2026

Barton W. Smith, Esquire  
Smith | Hawks PL  
138 Simonton Street  
Key West, FL 33040  
Bart@SmithHawks.com  
Brandi@SmithHawks.com

VIA EMAIL

**Re: Docket No. 20260071-SU - Application for limited proceeding rate increase in Monroe County, by K W Resort Utilities Corp.**

Dear Mr. Smith:

Staff reviewed K W Resort Utilities Corp's (Utility) application for a Limited Proceeding. After reviewing this information, we find the application to be deficient. The specific deficiencies are identified as:

- Filing Fee.** Rule 25-30.445(3), Florida Administrative Code (F.A.C.), states that a filing fee as required in Rule 25-30.020, F.A.C., must be submitted at the time of application. The application states that a filing fee was submitted contemporaneously with the application; however, it has not been received by the Office of the Commission Clerk. Please remit the filing fee in the amount of \$1,750.
- Detailed Statement of Reasons.** Rule 25-30.445(4)(a), F.A.C., requires a detailed statement of why the Limited Proceeding was requested. The application provides only a general description (operating expense increases), but does not include a detailed standalone narrative explaining the specific reasons for the Limited Proceeding. Please provide a detailed explanation supporting the request for the Limited Proceeding.
- Regulatory Directive.** Rule 25-30.445(4)(b), F.A.C., requires that if the Limited Proceeding is being requested to recover costs required by a governmental or regulatory agency, the applicant must provide the following: 1. A copy of any rule, regulation, order or other regulatory directive that has required or will require the applicant to make the improvement or the investment for which the applicant seeks recovery; and, 2. An estimate by a professional engineer, or other person, knowledgeable in design and construction of water and wastewater plants, to establish the projected cost of the applicant's investment and the period of time required for completion of construction. In Section 4 of the application, the Utility states that the application for a Limited Proceeding is being requested, in part, to recover costs required by a governmental or regulatory order. Please provide the information outlined above as required by the Rule.

Mr. Barton W. Smith

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4. **Operating Expense Recovery.** Rule 25-30.445(4)(f), F.A.C., requires the utility to provide the following information if it is requesting recovery of operating expenses: 1. A detailed description of the expense(s) requested; 2. The total cost by primary account pursuant to the NARUC Uniform System of Accounts; 3. Supporting documentation or calculations; and, 4. Any allocations that are made between systems, affiliates or related parties. Schedule 4 is present and provides the expense by NARUC account (chemicals, salaries, benefits, IT, supplies, payroll taxes); however, as outlined above, subsection (4)(f)(1) of the Rule requires a detailed description of the expense(s) requested, and subsection (4)(f)(3) of the Rule requires the supporting documentation for the expenses requested. Please provide the information outlined above as required by the Rule.
5. **Noticing.** Rule 25-30.446(4)(b), F.A.C., requires Commission staff's approval of the initial customer notice prior to distribution to all customers within the service areas included in the rate request. Please provide a draft notice that contains the information required by the rule for staff's approval.

Your application will not be deemed filed until the deficiencies identified in this letter have been corrected. These corrections should be submitted no later than **Monday, June 22, 2026**, to the following address:

Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Please include the docket number on all submissions to the Commission Clerk. Should you have any questions concerning the information in this letter, please feel free to contact Clayton Lewis by phone at (850) 413-6578 or email at [clewis@psc.state.fl.us](mailto:clewis@psc.state.fl.us) for technical questions, or Saad Farooqi by phone at (850) 413-6214 or email at [sfarooqi@psc.state.fl.us](mailto:sfarooqi@psc.state.fl.us) for legal questions.

Sincerely,

***s/Clayton Lewis***

Clayton Lewis  
U.S. Engineering Specialist  
Division of Engineering

CL:da;pz

cc: Office of Commission Clerk (Docket No. 20260071-SU)