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**MARCO RUBIO**  
Speaker of the House of  
Representatives



September 26, 2008

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COMMISSION  
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Ms. Ann Cole  
Commission Clerk and Administrative Services  
Room 100, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 080006-WS

Dear Ms. Cole:

Enclosed for filing, on behalf of the Citizens of the State of Florida, are the original and 15 copies of OPC's Motion for Leave to File Surrebuttal Testimony.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charlie Beck  
Deputy Public Counsel

Enclosures

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In Re: Water and Wastewater Industry )**  
**Annual Reestablishment of Authorized )**  
**Range of Return on Common Equity for )**  
**Water and Wastewater Utilities pursuant )**  
**to section 367.081(4)(f), F.S. )**  
**)**

**DOCKET NO. 080006-WS**  
**September 26, 2008**

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**MOTION FOR LEAVE TO FILE SURREBUTTAL TESTIMONY**

The Citizens of Florida, through the Office of Public Counsel, file this motion for leave to file surrebuttal testimony, and in support thereof state the following:

1. Order no. PSC-08-0430-PCO-WS issued July 1, 2008 (Order Establishing Procedure) set forth the controlling dates for this docket. The order set August 1, 2008, as the date for the utilities and Citizens to file direct testimony; September 2, 2008, as the date for staff to file testimony, if any; and September 15, 2008, as the date for both the utilities and Citizens to file rebuttal testimony.

2. On August 1, 2008, Citizens filed fifty-nine pages of direct testimony setting forth detailed reasons and analysis supporting all of our positions in this proceeding. Utilities Inc., the only utility participating in this proceeding, filed no more than placeholder direct testimony on August 1, 2008. Of the two and half pages of testimony filed by the company, one and a half pages covered the name, background, and professional experience of the witness. Eleven lines of the testimony were used to express the company's general support for the staff's position. The remaining lines of the testimony were used by the witness to notify the Commission that she intended to provide rebuttal testimony

3. Staff elected to file no testimony on September 2, 2008, to support their recommended leverage formula.

4. Utilities Inc. filed their case on September 15, 2008. The forty pages of rebuttal testimony filed by the company on September 15, 2008, weaved together direct and rebuttal testimony and provided for the first time the utility's detailed reasons for supporting the leverage formula proposed by staff.

5. Citizens file this motion to allow the filing of testimony in rebuttal to the utility's testimony, just as the utility has already filed rebuttal to Citizens' testimony. As it stands now, the Commission would only hear the critique of Citizens' testimony by the utility without hearing a corresponding critique of the utility's testimony.

6. It is important that the Commission receive a balanced presentation of the evidence in the case, with a full vetting of both parties' testimony. By allowing corresponding critiques of each other's testimony, the Commission will have better, more complete presentation of evidence from which it can make the best possible decision in this proceeding.

7. In order to facilitate any discovery related to the accompanying surrebuttal testimony, Citizens commit to providing responses to interrogatories and requests for documents related to the surrebuttal testimony within seven days of service. This will allow both Utilities Inc. and staff to engage in discovery related to the surrebuttal testimony well before the hearing scheduled for October 23, 2008.

8. Counsel for Utilities Inc. does not object to this motion.

**WHEREFORE**, Citizens respectfully request the Prehearing Officer to issue an order allowing Citizens to file the accompanying surrebuttal testimony of James A. Rothschild.

Respectfully submitted,

Handwritten signature of Charlie Beck in cursive script.


Charlie Beck  
Deputy Public Counsel

CERTIFICATE OF SERVICE  
DOCKET NO. 080006-WS

I HEREBY CERTIFY that a copy of the foregoing Office of Public Counsel's Motion for Leave to File Surrebuttal Testimony has been furnished by U.S. Mail to the following parties on this 26<sup>th</sup> day of September, 2008, to the following:

Jean Hartman  
General Counsel's Office  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Martin S. Friedman, Esquire  
Rose, Sunstrom & Bentley, LLP  
2180 W. State Road 434, Suite 2118  
Longwood, FL 32779

  
\_\_\_\_\_  
Charlie Beck