

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: October 17, 2014
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Rosanne Gervasi, Senior Attorney, Office of the General Counsel *RS*
RE: Docket No. 140000-OT

Please file the attached post-workshop comments in the 2014 undocketed file 140000-OT

Thank you.

RECEIVED-FPSC
14 OCT 17 PM 4:13
COMMISSION
CLERK

MEMORANDUM

TO: Martha Barrera, Esquire (mbarrera@psc.state.fl.us)

FROM: Martin Friedman, Esquire on behalf of Utilities, Inc. subsidiaries in Florida

RE: COMMENTS ON PROPOSED RULES IMPLEMENTING §367.072, F.S.

The following comments are in addition to and may be a reiteration of the comments made at the workshop held on October 7, 2014. While Utilities, Inc. has serious concerns about the enforceability of the Section 367.072, it is providing comments to assist the Commission in its role as regulator under the statute.

25-30.091 is devoid of the procedure that the Commission will undertake after it is determined that the “issues identified within the petition support a reasonable likelihood that the utility is failing to provide quality of water service.” The Commission has three options under 367.072. Based upon comments at the workshop it is my understanding that the option to seek revocation of a certificate would be handled under Chapter 120 as a license revocation with the concomitant burden of proof.

Since a utility is prohibited from “filing a rate case” once a threshold determination has been made, (§367.072(3)) it needs to be made clear that that phrase means when a rate case is docketed, which is when the test year request letter is filed. I suggest some language in 25-30.091(3) that if a docket is open the customers’ notice of intent be returned and customers be advised that comments or concerns about water quality can be raised by customers in the normal course and under normal procedures in the rate case.

25-30.091 (7): One of the requirements for a petition is that it should be dated. This will assure that a petition is filed in connection with a current notice of intent. See, 367.072(1)(b)(requiring petition to be filed within 90 days after receipt of instructions).

25-30.091(8)-(10): I assume that the only determination that the Staff will make is whether the Petition is in technical compliance and it will be the Commission that makes the determination pursuant to 367.072(3) as to whether the “issues identified within the petition support a reasonable likelihood that the utility is failing to provide quality of water service,” and it is after that determination that the utility files a response.

25-30.440(11) should delete any requirement to obtain customer complaints from the Commission, DEP, local government, or county health department. These are not documents within the custody or control of the utility and thus the utility cannot assure the accuracy of such complaints. As written, the provision requires the utility to perform discovery of third party information and it is unreasonable to require a utility to obtain those documents.