

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in wastewater rates in Monroe County by K W Resort Utilities Corp.

DOCKET NO. 150071-SU
ORDER NO. PSC-16-0475-PCO-SU
ISSUED: October 21, 2016

ORDER DENYING MOTION FOR EXTENSION OF TESTIMONY FILING DATES

K W Resort Utilities Corporation (KWRU or Utility) is a Class A Utility providing wastewater service to approximately 2,061 customers in Monroe County. On July 1, 2015, K W Resort filed its application for the rate increase at issue. By Order No. PSC-16-0123-PAA-SU, issued March 23, 2016, the Commission issued a proposed agency action order approving an increase in rates and charges. On April 13, 2016, timely protests to the order were filed by the Office of Public Counsel (OPC) and Monroe County. On April 18 and 20, cross-protests were filed by KWRU and the Harbor Shores Condominium Unit Owners Association, Inc. (Harbor Shores), respectively. The Order Establishing Procedure (OEP), Order No. PSC-16-0194-PCO-SU, issued May 17, 2016, established controlling dates for prehearing activities, including the filing of testimony and exhibits, and setting an administrative hearing on November 7-9, 2016.

The Utility's direct testimony and exhibits were filed on July 1, 2016. OPC and Monroe County filed testimony and exhibits on September 15, 2016. The Utility's rebuttal testimony and exhibits were filed on October 10, 2016.

On October 17, 2016, Harbor Shores filed a Motion for Extension of Testimony Filing Dates (motion) and direct testimony and exhibits. On the same day, KWRU filed a response in opposition to the motion.¹ The motion requests that the date for filing intervenor testimony and exhibits for Harbor Shores be moved from September 15 to October 17, 2016. As good cause shown, Harbor Shores states that due to medical reasons its representative of record, Ann Aktabowski, was significantly delayed her preparation of prefiled testimony and exhibits that were scheduled to be filed on September 15, 2016.²

Rule 28-106.204(4), Florida Administrative Code, states that "[m]otions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request." The expiration of the deadline sought to be extended was September 15, 2016; therefore, Harbor Shore's motion, filed on October 17, 2016, is untimely by over a month.

Harbor Shores fails to establish why its request for an extension of time could not be timely filed. Further, if Harbor Shore's testimony and exhibits were to be allowed, fairness would dictate that the parties be allowed sufficient time to conduct discovery on the filings, to

¹ Harbor Shores filed a response to KWRU's response; however, such a filing is not contemplated under the rule, and therefore was not taken into consideration.

² Order No. PSC-16-0372-PCO-SU, issued September 15, 2016 moved the intervenor filing dates from September 9 to September 15, 2016, in response to the effects of Hurricane Hermine.

permit the Utility to file rebuttal, and to allow discovery on the Utility's rebuttal. The schedule in this proceeding does not permit reasonable time for these activities without prejudice to the parties. I therefore find it appropriate to deny Harbor Shores' Motion for Extension of Testimony Filing Dates.

Based upon the forgoing, it is

ORDERED by Commissioner Jimmy Patronis, as Prehearing Officer, that Harbor Shores Condominium Unit Owners Association, Inc.'s Motion for Extension of Testimony Filing Dates is hereby denied.

By ORDER of Commissioner Jimmy Patronis, as Prehearing Officer, this 21st day of October, 2016.



JIMMY PATRONIS
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.