

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
FILED: October 28, 2016

**CITIZENS' REQUEST FOR ORAL ARGUMENT ON ITS MOTION TO STRIKE
PORTIONS OF REBUTTAL TESTIMONY AND EXHIBITS FILED BY KW RESORT
UTILITIES, CORP. BEFORE THE PANEL**

The Citizens of the State of Florida (Citizens), pursuant to Rules 25-22.0022 and 25-22.0376, Florida Administrative Code, hereby file Citizens' Request for Oral Argument on Motion to Strike Portions of Rebuttal Testimony and Exhibits filed by KW Resort Utilities, Corp. ("KWRU"). Citizens seek oral argument and as grounds state the following:

1. On June 30, 2015, KWRU filed its initial rate increase request, seeking a revenue requirement of approximately \$2,931,759 to recover costs related to expanding its treatment plant, and increased operations and maintenance (O&M) costs.
2. On July 1, 2016, KWRU increased its requested revenue requirement to \$3,345,357. As part of the July 1, 2016 requested increase, KWRU is seeking to recover additional costs related to expanding its treatment plant, replacing a vacuum tank, and even more O&M costs. (See Debbie Swain's direct testimony Exhibit DDS-2).
3. The Intervenors filed their direct testimony and exhibits on September 14, 2016 supporting lower Phase I and Phase II revenue requirements for KWRU.
4. KWRU filed rebuttal testimony and exhibits on October 10, 2016. In its rebuttal, the requested revenue requirement increased to \$3,440,501 and the cost of the 350,000 GPD wastewater treatment plant expansion project increased to \$5,164,748.

5. Oral argument will assist the Commission in understanding and evaluating why the portions of the KWRU's rebuttal testimony and exhibits identified in the Motion to Strike should be stricken as improper supplemental direct testimony. Oral argument will assist this Commission in understanding how these are new facts and new costs were not addressed or discussed by the Utility or Intervenors in their direct testimonies.

6. Citizens' believe that no more than 5 minutes per Party would be necessary to present Oral Argument.

WHEREFORE, the Citizens hereby respectfully request that the Commission grant their Request for Oral Argument on the Motion to Strike.

Respectfully Submitted

J.R. KELLY
PUBLIC COUNSEL

/s/ Erik L. Saylor

Erik L. Saylor
Associate Public Counsel
Stephanie A. Morse
Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Rm. 812
Tallahassee, FL 32399-1400(850) 488-9330

Attorneys for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
Docket No. 150071-SU

I HEREBY CERTIFY that a copy of the foregoing CITIZENS' REQUEST FOR ORAL ARGUMENT ON ITS MOTION TO STRIKE PORTIONS OF REBUTTAL TESTIMONY AND EXHIBITS FILED BY KW RESORT UTILITIES, CORP. has been furnished by electronic mail to the following parties on this 28th day of October, 2016 to the following:

Kyesha Mapp
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Email: kmapp@psc.state.fl.us

Martin S. Friedman, Esquire
Friedman Law Firm
766 N. Sun Drive, Suite 4030
Lake Mary, FL 32746
Email: mfriedman@eff-attorneys.com

Barton W. Smith
Smith Law Firm
138-142 Simonton Street
Key West, FL 33040
Email: bart@smithoropeza.com

Robert Scheffel Wright, Esquire
John T. LaVia, III, Esquire
Gardner, Bist, Bowden, Bush, Dee,
LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308
Email: schef@gbwlegal.com
Email: jlavia@gbwlegal.com

Ann M. Atkabowski
Harbor Shores Condominium Unit
Owners Association Inc.
6800 Maloney Ave., Unit 100
Key West, FL 33040
Email: harborshoreshoa@gmail.com

Robert B. Shillinger/Cynthia Hall
Monroe County Attorney's Office
1111 12th Street, Suite 408
Key West, FL 33040
Email: hall-cynthia@monroecounty-fl.gov

/s/ Erik L. Sayler
Erik L. Sayler
Associate Public Counsel