

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 150071-SU

**K W RESORT UTILITIES CORP.'S WRITTEN NOTICE OF OBJECTION TO HARBOR
SHORES CONDOMINIUM UNIT OWNERS ASSOCIATION INC.'S NOTICE OF
INTENT TO USE DEPOSITION**

K W Resort Utilities Corp. ("KWRU"), by and through undersigned counsel, hereby files its Written Notice of Objection to Harbor Shores Condominium Unit Owners Association, Inc.'s ("Harbor Shores") Notice of Intent to Use Deposition, and states as follows:

PROCEDURAL AND FACTUAL BACKGROUND

1. On October 27, 2016, Intervenor Harbor Shores filed its Notice of Intent to Use Deposition, wherein Harbor Shores indicated it intends to use all or part of the deposition of Christopher Johnson, conducted October 20, 2016. The Notice of Intent to Use Deposition did not specify the page and line numbers which Harbor Shores would seek to introduce.

2. On October 31, 2016, Harbor Shores filed its "Update to Notice of Intent to Use Deposition", wherein Harbor Shores identified the following page and line numbers to be entered at final hearing in this docket, a true and correct copy of which are attached hereto and incorporated herein as Exhibit "A":

Page 252, Line Nos. 21 through 25

Page 253, Line Nos. 1 through 25

Page 254, Line Nos. 1 through 25

Page 255, Line Nos. 1 through 25

Page 256, Line Nos. 1 through 25

Page 257, Line Nos. 1 through 25

Page 258, Line Nos. 1 through 25

3. KWRU objected to all questions listed above asked by Harbor Shores at the deposition, Page 139 Line Nos. 24 – 25 through Page 140 Line Nos. 1 - 16.

4. This Written Notice of Objection followed.

ANALYSIS

KWRU objects to the use of the specified portions of the deposition testimony of Christopher Johnson. The specified portions of Witness Johnson’s deposition testimony relate to KWRU’s billing practices and physical conditions (metering arrangements) with regard to Sunset Marina, Meridian West, and Flagler Village. Neither the direct nor the rebuttal testimony of Witness Johnson address billing practices or the physical conditions at these properties. As such, the cited deposition testimony is neither within the scope of Witness Johnson’s direct or rebuttal testimony.

Harbor Shores purportedly seeks to enter the deposition testimony as substantive testimony. Such use would violate the Order Establishing Procedure in this docket, which provides at Section IV that “[e]ach party shall file all testimony and exhibits that it intends to sponsor...” Witness Johnson is not Harbor Shores’ witness, and the use of the cited deposition testimony seeks to improperly backdoor testimony which Witness Johnson does not intend to give at hearing in this docket.

CERTIFICATE OF SERVICE
DOCKET NO. 150071-SU

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by

E-mail to the following parties this 31st day of October, 2016:

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Harbor Shores Condominium Unit Owners
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Respectfully submitted,

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EXHIBIT A

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-16-0194-PCO-SU
ISSUED: May 17, 2016
FILED: October 31, 2016

**Harbor Shores Condominium Unit Owners Association In.
(Harbor Shores)**

Notice of Intent to Use Deposition

TO: All Parties of Record

NOTICE is hereby given that Harbor Shores intends to use all or part of the Depositions of the following individual as per ORDER NO. PSC-16-0194-PCO-SU Section VI G.

- (1) Name of Witness Deposed: Christopher Johnson
- (2) Date Deposition Was Taken by Mr. Erik Sayler : October 20, 2016
- (3) Page and Line Numbers of each Deposition we seek to introduce are as follows:
 - Page 252, Line Nos. 21 through 25
 - Page 253, Line Nos. 1 through 25
 - Page 254, Line Nos. 1 through 25
 - Page 255, Line Nos. 1 through 25
 - Page 256, Line Nos. 1 through 25
 - Page 257, Line Nos. 1 through 25
 - Page 258, Line Nos. 1 through 25
 - Page 259, Line Nos. 1 through 21

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(4) Purpose for which the use of the Deposition transcript is sought is as follows:

Harbor Shores wishes to further question Mr. Johnson on KWRU's application of General Services Rates, Fees and Charges to the three customers identified in the his deposition, namely, Sunset Marina, Meridian West and Flagler Village, and to clarify the differences, if any, between these same three General Service customers and the Residential customer, Harbor Shores.

/s/Ann M. Aktabowski

Ann M. Aktabowski
Representative
Harbor Shores
6800 Maloney Ave. Unit 100
Key West, FL 33040

CERTIFICATE OF SERVICE
Docket No. 150071-SU

I HEREBY CERTIFY that a copy of the foregoing Harbor Shores Notice of Intent to Use Deposition has been furnished by electronic mail to the following parties on this 31st day of October, 2016 to the following:

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