

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: November 29, 2016
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Rosanne Gervasi, Senior Attorney, Office of the General Counsel *RG*
RE: Docket No. 160239-WS -- Proposed amendment of Rule 25-30.445, F.A.C.

Please file the attached comments from Utilities, Inc. of Florida regarding staff's notice of development of rulemaking in the above-referenced docket.

Thank you.

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CLERK

Rosanne Gervasi

From: Martin S. Friedman <mfriedman@ff-attorneys.com>
Sent: Sunday, July 31, 2016 10:45 AM
To: Rosanne Gervasi
Cc: J. R. Kelly ; John Hoy ; Patrick Flynn ; Christie H. Kincaid; Jared Deason
Subject: RE: Initiation of Rulemaking to Amend Rule 25-30.445, FAC

Rosanne,

I would recommend a 5 month deadline to process a limited proceeding.
Marty

MARTIN S. FRIEDMAN, ESQ.
Shareholder



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From: Martin S. Friedman
Sent: Sunday, July 31, 2016 10:27 AM
To: Rosanne Gervasi <rgervasi@psc.state.fl.us>
Cc: J. R. Kelly <kelly.jr@leg.state.fl.us>; John Hoy <jphoy@uiwater.com>; Patrick Flynn <pcflynns@uiwater.com>; Christie H. Kincaid <CHKincaid@uiwater.com>; Jared Deason <JDeason@uiwater.com>
Subject: Initiation of Rulemaking to Amend Rule 25-30.445, FAC

Rosanne,

Although Utilities, Inc. of Florida does not at this time request a rule development workshop, we did want to provide a couple of comments regarding this proposed Rule amendment. With regard to the specific proposed amendment, UIF believes that the prior three years of customer complaints (instead of five years) is more consistent with prior PSC practice in file and suspend rate cases, and should be adequate in a limited proceeding to retain consistency.

UIF also believes that this Rule should be amended to include a specific deadline within which the Commission has to act on a limited proceeding. A limited proceeding is currently the only type of rate proceeding without a deadline. As a result, limited proceedings are being underutilized since utilities have no expectation on when rate relief will be forthcoming. A limited proceeding for Cypress Lakes Utilities, Inc. (a "sister" utility to UIF at the time) took 16 months. While a portion of the current UIF limited proceeding was processed in 6 months, the portion subject to political involvement has been delayed. While I admit I have not done an exhaustive search of limited proceedings, it appears that 5 months is a reasonable time within which the Commission should be able to rule on a limited proceeding. A deadline will help to insulate the Commission from political involvement.

Please do not hesitate to give me a call if you have any questions regarding these comments.
Regards, Marty

MARTIN S. FRIEDMAN, ESQ.
Shareholder



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