

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of:

DOCKET NO. 20170141-SU

APPLICATION FOR INCREASE IN  
WASTEWATER RATES IN MONROE  
COUNTY BY K W RESORT UTILITIES  
CORP.

\_\_\_\_\_ /

PROCEEDINGS: SERVICE HEARING  
COMMISSIONERS  
PARTICIPATING: COMMISSIONER DONALD J. POLMANN  
COMMISSIONER GARY F. CLARK  
COMMISSIONER ANDREW G. FAY

DATE: Tuesday, May 15, 2018

TIME: Commenced: 6:16 p.m.  
Concluded: 7:46 p.m.

PLACE: Tortuga Ballroom  
DoubleTree by Hilton Grand Resort  
Key West  
3990 S. Roosevelt Boulevard, Key  
West, Florida

REPORTED BY: DEBRA R. KRICK  
Court Reporter

PREMIER REPORTING  
114 W. 5TH AVENUE  
TALLAHASSEE, FLORIDA  
(850) 894-0828

1 APPEARANCES:

2 MARTIN S. FRIEDMAN, ESQUIRE, Friedman &  
3 Friedman, P.A., 600 Rinehart Road, Suite 2100, Lake  
4 Mary, Florida 32746; BARTON W. SMITH, ESQUIRE, Smith  
5 Hawks, P.L., 138 Simonton Street, Key West, Florida  
6 33040-6627, appearing on behalf of K W RESORT.

7 ROBERT SCHEFFEL WRIGHT and JOHN T. LaVIA, III,  
8 ESQUIRES, Gardner Law Firm, 1300 Thomaswood Drive,  
9 Tallahassee, Florida 32308, appearing on behalf of  
10 Monroe County Florida.

11 CYNTHIA L. HALL, Monroe County Attorney's  
12 Office, 1111 12th Street, Suite 408, Key West, FL  
13 33040-3005, on behalf of Monroe County, Florida.

14 J.R. KELLY, PUBLIC COUNSEL; ERIK L. SAYLER  
15 ESQUIRE, Office of Public Counsel, c/o the Florida  
16 Legislature, 111 W. Madison Street, Room 812,  
17 Tallahassee, Florida 32399-1400, appearing on behalf of  
18 the Citizens of the State of Florida.

19 KYESHA MAPP and JENNIFER CRAWFORD, ESQUIRES,  
20 FPSC General Counsel's Office, 2540 Shumard Oak  
21 Boulevard, Tallahassee, Florida 32399-0850, appearing on  
22 behalf of the Florida Public Service Commission Staff.

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24

25

1 APPEARANCES (Continued):

2 KEITH HETRICK, GENERAL COUNSEL; MARY ANNE  
3 HELTON, DEPUTY GENERAL COUNSEL; Florida Public Service  
4 Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
5 Florida 32399-0850, Advisors to the Florida Public  
6 Service Commission.

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EXHIBITS

NUMBER:		ID	ADMITTED
125	Birrell correspondence composite	52	69
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1 P R O C E E D I N G S

2 COMMISSIONER POLMANN: Good evening, everyone.

3 MR. WRIGHT: Good evening.

4 COMMISSIONER POLMANN: Welcome. Thank you for  
5 being here. And thank you for your patience. We  
6 were here all day working on the technical hearing  
7 and we have tomorrow to continue that, so my  
8 apologies for -- that ran a little bit longer than  
9 we had hoped.

10 This is the customer service hearing for  
11 Docket No. 20170141-SU, KW Resort Utilities  
12 Corporation. Today is May 15th, and my watch says  
13 we are at about 6:17. Let me call the hearing to  
14 order.

15 Welcome everyone. Again, we have the parties  
16 here. We have the utility, and we have two  
17 intervenors as parties, the Office of Public  
18 Counsel and Monroe County.

19 I would -- I am trying to follow directions  
20 here, so just one second.

21 Let me first -- this is in -- I will probably  
22 say this several times.

23 For the utility customers that are here, you  
24 will have an opportunity to speak. Outside that  
25 side door, you should find staff that will help you

1 sign in. If you plan to speak, we will need you to  
2 sign up and you will be called to the podium in the  
3 order in which you signed up, but we also have this  
4 information sheet, the blue sheet, so please pick  
5 up a copy of that.

6 Staff, if you will please read the notice for  
7 me?

8 We are having microphone problems today.

9 MR. HETRICK: We don't have any mics on.

10 MS. MAPP: By notice issued April 2nd, 2018,  
11 this time and place was set for a customer service  
12 hearing in Docket No. 170141-SU. The purpose of  
13 the customer service hearing was set out in the  
14 notice.

15 COMMISSIONER POLMANN: Thank you, Ms. Mapp.

16 At this time, we will take appearance of  
17 counsel, and we will start with the utility.

18 MR. SMITH: Bart Smith on behalf of KW Resort  
19 Utilities Corp. There it is.

20 MR. FRIEDMAN: And Marty Friedman on by half  
21 of KW Resort Utilities Corp.

22 MS. HALL: Hello. Cynthia Hall from Monroe  
23 County Attorney's Office on behalf of Monroe  
24 County, and I also have with me, Schef Wright from  
25 the law firm of Gardner Bist, also representing the

1 County.

2 COMMISSIONER POLMANN: Thank you.

3 MR. KELLY: Good evening, Commissioners. J.R.  
4 Kelly and Erik Sayler with the Office of Public  
5 Counsel. We represent the ratepayers of KWRU.

6 COMMISSIONER POLMANN: Staff.

7 MS. MAPP: Kyesah Mapp for staff. And I would  
8 also like to enter an appearance for Jennifer  
9 Crawford.

10 COMMISSIONER POLMANN: Ms. Helton.

11 MS. HELTON: Mary Anne Helton. I am here as  
12 your advisor. Also entering an appearance for your  
13 General Counsel, Keith Hetrick.

14 COMMISSIONER POLMANN: Thank you.

15 And again, let me begin by welcoming all of  
16 you, and thanking you for joining us this evening.

17 This is our first day of the customer service  
18 hearing. We will be here again tomorrow morning at  
19 9:30. Please let your friends and neighbors know  
20 we are doing this in two parts, one this evening  
21 and we will recess and then continue in the  
22 morning.

23 We do sincerely appreciate your interest in  
24 this petition, and it was filed by KW Resort  
25 Utilities Corp. This hearing, the customer service



1 hearing, is designed so that we can hear from the  
2 customers. This is your opportunity to present us  
3 with your thoughts. We are very interested in any  
4 concerns or comments related to the company's  
5 request for a rate increase.

6 Because we want to focus on hearing from you,  
7 we ask that you please turn off cell phones. It's  
8 important to us for a couple of reasons so that  
9 everybody can pay attention and listen to what's  
10 being said, as well as we don't have any  
11 interference with the recording equipment. So as a  
12 courtesy, if you need to take a call, please step  
13 outside and we will be grateful for the  
14 consideration.

15 So we have here representatives from the  
16 utility, from the company, and staff from the  
17 Public Service Commission. They will be available  
18 during this meeting and perhaps afterwards for some  
19 period of time to discuss billing and service  
20 issues with the customers.

21 At this time, I would like to ask the  
22 commissioners that are here with me to introduce  
23 themselves briefly, and then we will look at staff  
24 for the same.

25 So, Commissioner Clark.

1           COMMISSIONER CLARK: Yeah. Good evening.  
2           Gary Clark, Commissioner. I appreciate everybody  
3           coming out tonight. I appreciate your  
4           participation in this event. Your thoughts and  
5           your concerns are very, very important to us, and  
6           we would definitely encourage you to kind of let us  
7           know what you are thinking and how you feel about  
8           the potential rate increase.

9           COMMISSIONER FAY: Commissioner Andrew Fay. I  
10          also appreciate everyone that's here tonight and I  
11          believe you didn't come to hear me talk, we are  
12          here to listen to you talk, so I look forward to  
13          that.

14          COMMISSIONER POLMANN: Thank you,  
15          Commissioners.

16          I am Donald Polmann. I have had the pleasure  
17          today of serving as the presiding officer. There  
18          are actually five commissioners representing the  
19          Public Service Commission, and I -- we have been  
20          assigned here as a three-member panel for this  
21          particular case. There are certain cases where all  
22          five commissions are involved. There are other  
23          cases where we have a panel of three, so in this  
24          case, there are three of us at the technical  
25          hearing.

1           At the conclusion of all of this, the staff  
2           will bring forth a recommendation to the full board  
3           at a point in the future, and we will address that  
4           later.

5           I would also ask, as I mentioned, company  
6           representatives that are here, other than the  
7           attorneys, if we have folks in the room, they may  
8           be up and about, but we have company  
9           representatives here that will be available to  
10          speak to customers, if you would just raise your  
11          hand and identify yourselves, that would be great.  
12          Thank you.

13          And let's go to Commission staff, just  
14          identify -- just introduce yourself real quick, and  
15          just identify what group you are working with so  
16          the customers know who is with us.

17          MS. FRIEDRICH: My name is Marissa Friedrich.  
18          I work in the Division of Economics, and we design  
19          the rates and charges for utilities.

20          MR. MAUREY: Andrew Maurey, I work in the  
21          Division of Accounting and Finance.

22          MS. NORRIS: Amber Norris. I work in the  
23          Division of Accounting and Finance as well.

24          MS. KNOBLAUCH: Emily Knoblauch, I work with  
25          the Division of Engineering.

1           COMMISSIONER POLMANN: Okay. And we have  
2 identified the attorneys.

3           MS. THOMPSON: I'm Kelly Thompson with the  
4 Division of Consumer Assistance and Outreach.

5           COMMISSIONER POLMANN: Okay. As I mentioned,  
6 staff will be able to assist you customers with any  
7 questions or other assistance that you need.

8           So this is an official public hearing that  
9 will be transcribed and become part of the official  
10 record. As such, you will need to be sworn in  
11 before you present your comments, and we will take  
12 care of that in just a few minutes.

13           Please note that your comments will also be  
14 subject to cross-examination. What that means is  
15 the parties, including Commissioners, may ask you  
16 questions for clarification in response to your  
17 comments.

18           You may have noticed the speaker sign-up  
19 forms. If you do plan to speak, please make sure  
20 that you sign that so we have your name and address  
21 for the record. And if you do not want to provide  
22 verbal comments, you don't want to speak here  
23 today, please provide us with written comments; in  
24 fact, you can provide both.

25           If you have not received a handout, we have

1           those, feel free to pick one up. On the last page  
2           of that, there is a form for all your comments.  
3           It's designed so you can mail that directly to us.  
4           And whether you provide verbal comments here today,  
5           or provide anything in writing or by email, all of  
6           that information will be considered as we review  
7           the full proceeding.

8                     At this point, I would like to invite the  
9           attorneys for the parties to give a brief  
10          introductory statement. We will begin with the  
11          utility, KW Resort, and then we will hear from the  
12          Office of Public Counsel, and then Monroe County.  
13          And at the conclusion of that, if the utility has a  
14          closing remark for a minute, then we will come back  
15          around and we will get to the customers. And  
16          again, I appreciate your patience. We just got to  
17          go through some formalities here.

18                    So, Mr. Friedman or Mr. Smith.

19                    MR. FRIEDMAN: Mr. Smith.

20                    MR. SMITH: Good evening. Bart Smith on  
21          behalf of KW Resort Utilities Corp. I would like  
22          to thank all the customers for coming here tonight.  
23          It's an important part of the process. This is  
24          your opportunity to speak regarding the proposed  
25          rate increase.

1           Today we are requesting a revenue increase to  
2           \$3,682,216 in general revenue. That is the total  
3           revenue. That's not what the requested increase  
4           is. The reason for this increase is a couple of  
5           capital projects and some hurricane expenses.

6           The capital projects are the chlorine contact  
7           chamber, which is approximately 15 to 18 years old  
8           and is required to be replaced. Rehabilitation to  
9           the two older plants, which were built in 1983 and  
10          1994. Some increases in salaries due to you now  
11          having three plants, as well as operating at AWT,  
12          which is a state mandate.

13          And finally, a increase -- finally, there was  
14          expenses, unfortunately, from Hurricane Irma. The  
15          generator from the plant was destroyed beyond  
16          repair. We had to replace that generator. It's a  
17          requirement that the utility be able to operate at  
18          all times. Some of you may have heard the same  
19          thing happened to the City of Key West as well, and  
20          they have replaced their generator.

21          The office was also destroyed as well. That  
22          is being replaced. And there are additional costs  
23          due to overtime and rental costs due to the  
24          hurricane.

25          We have requested all of these costs. We

1 believe they are reasonable, and prudent, and  
2 necessary to operate the utility. We understand  
3 that this does result in a rate increase, but we do  
4 believe that these costs are prudent for the  
5 utility to operate and a prudent investment.

6 And we thank you for your time tonight. We  
7 thank you for your comments. If there is any  
8 individual questions, we do have Chris Johnson,  
9 President of the utility and Greg Wright, the  
10 Vice-President of the utility.

11 Thank you again for your time.

12 COMMISSIONER POLMANN: Thank you, Mr. Smith.

13 Okay, we are going to Mr. Kelly.

14 MR. KELLY: I am going to turn my back to you  
15 guys so I can talk to you.

16 COMMISSIONER POLMANN: Oh, no, go ahead. You  
17 are here for the customers.

18 MR. KELLY: Thank you, sir.

19 Good evening, I have met some of you. My name  
20 is J.R. Kelly. I am with the Office of Public  
21 Counsel, I am here with Erik Sayler, and we  
22 represent you, the customers. And we are not part  
23 of the Public Service Commission. We are a  
24 separate office. And our sole purpose in our  
25 office is to represent customers in front of the

1 Public Service Commission in cases like this, where  
2 a utility is asking for a rate increase.

3 You heard Mr. Smith talking about, they are  
4 asking for certain expenditures, and so forth; and  
5 we are contesting a number of those. And I will  
6 just give you just -- I am not going to talk about  
7 all of them obviously, but I will just give a  
8 rundown of some of the major ones.

9 First off, KW was just in a year ago and got a  
10 rate hike, and they are back in now, less than a  
11 year, the ink hadn't hardly dried on the last order  
12 when they filed their last rate case. And they are  
13 asking for anywhere from about a 55 to 58 percent  
14 rate like to their current rates. We don't believe  
15 that's reasonable, and we don't believe that they  
16 have proved up their case.

17 A couple issues we have contested, they are  
18 asking for up to \$288,000 for a new modular office  
19 building. We don't dispute that they need a new  
20 office building, however, they haven't come forth  
21 with any competitive bids. They have not come  
22 forth with any signed contracts with licensed  
23 approved contractors. We don't think that's a  
24 prudent way for a business to operate, and we are  
25 contesting that until such time as they follow the



1 prudent steps to come forth and prove up a  
2 reasonable price if a new building.

3 Another excessive request they are making is  
4 in what is called working capital. They are asking  
5 for almost \$600,000 more than what this same  
6 commission approved for them just a year ago.  
7 There is no basis for that, and there is no  
8 justification. We think it's a ridiculous ask, and  
9 we are going to contest that and ask the Commission  
10 to hold them to the exact same level that they  
11 approved just a year ago.

12 The Commission -- excuse me, the utility is  
13 also asking to implement a pension plan. We don't  
14 argue that a pension plan could be good for  
15 employees. However, the pension plan they have  
16 approved, No. 1, can be terminated at any time by  
17 the utility. No. 2, they can voluntarily  
18 contribute or not contribute. That's up in the  
19 terms of the pension, and we just don't believe  
20 that what they are set forth is reasonable for the  
21 employees, more importantly, reasonable for you,  
22 the ratepayers, to pay for.

23 The last thing is they are asking what we  
24 believe is an excessive number of new employees  
25 based upon their historical staffing count. And we

1 are going to ask the Commission to hold them to a  
2 reasonable level and not award them what we believe  
3 to be an excessive number of employees.

4 The bottom line is, when -- and there are  
5 other adjustments that our county expert and our  
6 engineering expert are going to be making. But the  
7 bottom line is this, we don't believe that they  
8 have met the burden of proof to ask for roughly  
9 more than a half of what they are asking for, and  
10 that's going to be our argument to the Commission  
11 on your behalf to keep your rates as low as  
12 reasonable, and at the same time give the utility  
13 the opportunity to earn a fair and reasonable  
14 return on their money, but more importantly,  
15 provide you with safe, adequate reliable service at  
16 an affordable price.

17 Thank you. I appreciate your being here.  
18 Please take the opportunity and advantage of this  
19 to address the Commission. Your comments are very,  
20 very important, and trust me, they do want to hear  
21 from you.

22 COMMISSIONER GRAHAM: Thank you, Mr. Kelly.

23 MS. HALL: Commissioners, I also am going to  
24 turn my back to you.

25 COMMISSIONER POLMANN: Please, go right ahead.

1 MS. HALL: Thank you.

2 Ladies and gentlemen, my name is Cynthia Hall,  
3 and I am an Assistant County Attorney from Monroe  
4 County, Florida. And Monroe County is here for a  
5 couple of reasons.

6 First of all, like you guys, we are a rate  
7 paying customer, but also we are here because  
8 Monroe County, and my commissioners, two of whom  
9 are here tonight and are going to talk to you, we  
10 care very much about the people who live out and  
11 work out of South Stock Island.

12 Our -- I am going to draw back, as my County  
13 Administrator would say to the 35,000 foot level.

14 The big picture here is, as far as the County  
15 is concerned, is that we are opposing the rate  
16 increase request because the utility is coming back  
17 here after only one year and asking for, roughly, a  
18 60 percent rate increase on top of the 60 percent  
19 rate increase that they got last year.

20 I am like you. I know how hard it is to earn  
21 a living, and how to make your dollars go where you  
22 need them to go. And we just think that that is  
23 untenable.

24 We also are aware of the fact that that would  
25 place those wastewater rates ahead of any of the

1 other wastewater utilities here in Monroe County.  
2 We don't think that's fair.

3 Our position is we believe that, once again,  
4 the utility has over represented its costs and  
5 underrepresented the revenue that we think is going  
6 to happen as a result of the growth that all of us  
7 see happening out on particularly South Stock  
8 Island.

9 And all of us -- you guys know what's going  
10 on. You can go out there and see the beautiful new  
11 Perry Hotel and Stock Island Marina Village and  
12 Oceanside, and all of the development that's all  
13 happening. And all of it is gorgeous, but we  
14 believe all of it represents growth that has not  
15 been adequately taken into consideration that will  
16 result in to many revenues.

17 So as everybody has said, that's enough of me.  
18 I really thank you for coming out. This is your  
19 time to speak. I have only done one other Public  
20 Service Commission hearing, it was a year ago, but  
21 I can tell you that my experience is that the  
22 commissioners and the staff really do listen to  
23 you, and they listen to the concerns that they  
24 have, and they will even follow up with you  
25 afterward to see if they can get some resolution if

1           it's at all possible.

2           So thank you very much for being here.

3           COMMISSIONER POLMANN: Thank you, Ms. Hall.

4           Okay. Customers who want to speak today, as I  
5 mentioned, there is the sign-up forms, and I need  
6 to give you some instructions.

7           We want every customer who signed up to have  
8 the opportunity to speak, and we are going to have  
9 some time on this based on a number of customers  
10 that we have. We normally will limit that -- or we  
11 have in the past limited that to three minutes  
12 based on the number of customers and some time  
13 limits, but it would appear that we don't have a  
14 tremendous number, so I think we are going to be  
15 pretty liberal on that.

16           We have here a light system that's green,  
17 yellow and red. You are probably familiar with  
18 that from driving around town. Well, hopefully you  
19 are. When you get to yellow, you will have about a  
20 minute left. And when you get to red, we ask that  
21 you try to wrap up your comments.

22           And I already said it, but take care of your  
23 cell phones, please.

24           Mr. Kelly, who just spoke to you with the  
25 Office of Public Counsel, he will be calling the

1 names, and we will do that in turn in the order in  
2 which you signed up. And for convenience, I think  
3 Mr. Kelly will be calling the next speaker, and  
4 then the person who will follow so you will know  
5 who is next.

6 Okay. We will be swearing in all of you, and  
7 it's a simple affirmation. And so at this point,  
8 if you will stand with me, and anyone who intends  
9 to speak, make comments, I would ask you to stand  
10 and raise your right hand.

11 (Whereupon, public speakers were sworn.)

12 COMMISSIONER POLMANN: I do. Thank you.

13 Now, when it's your turn, you come up to the  
14 microphone here, please, and, again, on the record,  
15 all of this is being recorded. In order to have  
16 the record clear, we ask that you state your name  
17 and address, and everything is being transcribed.  
18 This is an official part of the record that goes  
19 into the docket, and we want to make sure that we  
20 capture everything that you identify.

21 Okay. If you have any material that you are  
22 bringing forward that you want to leave with us,  
23 depending on the nature of that, we may take that  
24 in as an exhibit, and we will address that when the  
25 time comes.

1           Okay, Mr. Kelly, are we ready?

2           MR. KELLY:   Yes, sir.

3           COMMISSIONER POLMANN:   Okay, please proceed.

4           MR. KELLY:   The first speaker is Commissioner  
5           Danny Kolhage?

6           COMMISSIONER POLMANN:   Just a note here, I  
7           think we have a couple of County Commissioners  
8           signed up, and the County is a party to the  
9           proceeding, and we will take testimony from the  
10          County Commissioners here, not as County  
11          Commissioners.  We will take comments and testimony  
12          on the record here from the Commissioners as  
13          private citizens who are customers of the utility.

14          So, sir, we simply ask that you come forward  
15          as a customer and not a representative of the  
16          County.  Thank you.

17          MR. FRIEDMAN:  Mr. Polmann, may I interpose an  
18          objection?  These the two County Commissioners that  
19          are here are not customers of the utility, and  
20          therefore, it's not appropriate for them to testify  
21          at all because there is only -- the only capacity  
22          for which they would testify, since they are not  
23          customers, would be as County Commissioners.

24          And as you pointed out, the County chose to be  
25          a party to this proceeding, and by doing so, has to

1 follow the same rules as everyone else, which is  
2 all their witnesses have to file prefiled  
3 testimony --

4 COMMISSINER KOLHAGE: We were allowed last  
5 year.

6 MR. FRIEDMAN: -- these County Commissioners  
7 have not done so, and it's inappropriate to allow  
8 them to make any comments at this hearing.

9 MR. KELLY: Commissioner Polmann, I would  
10 object to Mr. Friedman's comments.

11 No. 1, this commission has always allowed City  
12 Commissioners, County Commissioners that represent  
13 the people that elect them into office to speak at  
14 these proceedings. I have never, ever, in my 10  
15 plus years, ever heard of them not being allowed to  
16 speak.

17 No. 2, senators and elected representatives of  
18 the state have always been allowed to speak, too,  
19 whether they have been customers or not. They are  
20 elected officials, and they speak on behalf as a  
21 voice of the people that put them into office.

22 So I respectfully disagree with Mr. Friedman  
23 and would ask that you be allow them to speak.

24 COMMISSIONER POLMANN: The only difference,  
25 Commissioner Polmann, is the fact that in those



1 other cases that J.R. talks about, the person who  
2 testified was not a party. And I think we had a  
3 case recently where the prehearing, the hearing  
4 officer did exclude testimony in a situation like  
5 this where the County chose to be a party, and by  
6 doing so, they cannot have somebody testify.

7 I understand all of the situations where we  
8 allow politicians to get on their soapbox, but this  
9 is a different situation because the County chose  
10 to be a party, and that sets them apart from all  
11 the other cases that --

12 MR. KELLY: And my last comment is, they are  
13 available, they can be cross-examined right here in  
14 front of by Mr. Friedman or Mr. Smith.

15 COMMISSIONER POLMANN: Mr. Kelly, I appreciate  
16 your comments on that, and I did note at the  
17 beginning that customers who are -- and we did say  
18 customers that could be cross-examined based on  
19 their comments.

20 I also would note this is a customer service  
21 hearing, as you are well aware. And in your  
22 comments, you are here representing the customers.  
23 Your office's involvement here is on behalf of  
24 customers. We are all well aware of recognizing  
25 the elected officials who represent folks who are

1 in the service area who may or may not be  
2 customers.

3 I would tend to agree, although I don't know  
4 if for a fact, that those elected officials who  
5 have spoken before us on prior dockets have not  
6 been a party, so I think that is an important  
7 distinction. I am going to look over at the  
8 counsel here for a comment in a moment, but I will  
9 ask Monroe County for a comment, but let's take a  
10 comment, and I imagine you are going to object and  
11 then give me a comment, but let's not debate this  
12 too long.

13 MR. WRIGHT: Certainly, Commissioner.  
14 Briefly.

15 One, Commissioner Kolhage testified in the  
16 last hearing 16 months ago, 18 months ago. This is  
17 not unprecedented at all. In fact, disallowing  
18 their testimony would be unprecedented.

19 Two, they are not testifying *parens patriae*.  
20 They are not testifying on behalf of Monroe County,  
21 *per se*. They are, as Mr. Kelly correctly and  
22 eloquently stated it, presenting another voice of  
23 the people whom they represent, just as a state  
24 representative or state senator would, or United  
25 States Congress person would --

1 COMMISSIONER POLMANN: Thank you, Mr. Wright.

2 MR. WRIGHT: -- his testimony should -- the  
3 Commissioner's testimony should be allowed.

4 Thank you.

5 COMMISSIONER POLMANN: Commissioner Fay.

6 COMMISSIONER FAY: Thank you, Mr. Chairman.  
7 The clarification that I would ask for, if you  
8 would give deference to it, is for the parties to  
9 clarify that they are customers. Mr. Friedman is  
10 speaking, I guess on their behalf, that they are  
11 not customers of the utility. I wouldn't apply  
12 that presumption. I would want to ensure that as  
13 an individual that that's the case outside of the  
14 debate that we are having, and if they are. It  
15 seems that you are assuming it's appropriate.

16 MR. FRIEDMAN: Absolutely.

17 COMMISSIONER FAY: If they are not, then  
18 that's a different discussion.

19 COMMISSIONER CLARK: Mr. Chairman, the only  
20 point I -- we do have a couple of customers that  
21 said they had to leave by 7:00. We promised to  
22 take those individuals first. We are pushing seven  
23 o'clock now, and we haven't begun this process yet,  
24 so would you consider letting those individuals go  
25 first?

1           COMMISSINER KOLHAGE:  Yeah, I would be happy  
2           to step back and let them come forward.

3           COMMISSIONER POLMANN:  That would be great.  
4           And I will confer with my advisor here later while  
5           they ponder what you are saying.

6           Mr. Kelly, do you know those customers that  
7           have a schedule issue?

8           MR. KELLY:  I know who it is, but I don't know  
9           her name.

10          COMMISSIONER POLMANN:  Yeah, can we -- those  
11          who have a time constraint, can you just identify  
12          yourself.  If there is one, please come forward.  
13          If there is a number of them, please identify  
14          yourself.

15          Yes, ma'am.

16          MS. TURNER:  Sue Turner.

17          COMMISSIONER POLMANN:  Okay.  Can you please  
18          pull that microphone up.

19          MS. TURNER:  Sue Turner -- is that better?  
20          Sue Turner, I am a resident of Harbor Shores, 6800  
21          Maloney Avenue in Stock Island.

22          COMMISSIONER POLMANN:  And are you a customer,  
23          ma'am?

24          MS. TURNER:  I am a customer, yes.

25          COMMISSIONER POLMANN:  Thank you.

1 MS. TURNER: I am actually going to read you  
2 some comments that are from another one of our  
3 residents at Harbor Shores who could not be here  
4 tonight because she's away at a conference, but her  
5 comments are:

6 We, the Harbor Shores homeowners, feel that we  
7 should not be paying for the expansion of the Key  
8 West Resort Utilities so that they are able to  
9 service multiple million dollar resorts, hotels and  
10 restaurants.

11 And as the Cynthia Hall so aptly put it, there  
12 is a lot of development on Stock Island, and there  
13 will be more customers and more revenues for Key  
14 West Resort Utilities as those things happen in the  
15 coming years, and we don't think that they've taken  
16 that into account.

17 Second point is this is the third time that  
18 they've raised the rates in order to of pay for  
19 advanced wastewater treatment, and so we wonder why  
20 they are coming back so quickly for another rate  
21 increase to pay for this when they already got that  
22 rate increase.

23 Harbor Shores itself is considered a hybrid.  
24 As a general service and a residential customer,  
25 that means we pay more than we would as a

1 residential or a general service by itself. We pay  
2 a residential rate and we also pay general service  
3 fees for things like maintenance, backflow and  
4 testing, yet there is no evidence that Harbor  
5 Shores is actually costing Key West Resort  
6 Utilities more money to provide services than any  
7 other residential customer. As a matter of fact,  
8 we believe that we are actually saving them money  
9 with efficiencies because they send us a bill for  
10 all of our customers and we may with one check.

11 Key West Resort Utilities is also asking to  
12 raise their rates to cover equipment destroyed by  
13 Hurricane Irma, and we feel that since they are  
14 considered a critical facility under FEMA and  
15 Florida Public Assistance, that they should be able  
16 to recover most of their lost funds to pay for  
17 those things through FEMA.

18 I am sure they have applied for FEMA funding,  
19 maybe they haven't. The other utilities in the Key  
20 West and Monroe County area have worked diligently  
21 to make application to FEMA and document all of  
22 their losses, and they pay a pretty hefty  
23 reimbursement.

24 Also, that's all I have to say related to  
25 Harbor Shores, but I am also on the board of the

1 Florida Keys SPCA. We are -- just built and  
2 opening soon, in a month or so, a new animal  
3 control facility on Stock Island, so we also will  
4 be subject to these rate increases. And, again, we  
5 have the same concerns about why they are coming  
6 back so soon for a new rate increase, and why it  
7 has to be so much.

8 And we can understand things like needing to  
9 do a pension plan for your employees. We would  
10 love to do a pension plan for our employees at the  
11 FK SPCA, but we don't have the money. And we  
12 understand that, but I can also understand the  
13 County Attorney's comments about their concerns on  
14 that, too.

15 So I think that's all I have to say.

16 COMMISSIONER CLARK: Thank you.

17 COMMISSIONER POLMANN: Thank you, ma'am.

18 MR. KELLY: Was there another person that  
19 needed to speak to leave by 7:00?

20 COMMISSIONER POLMANN: Other than everybody?

21 Okay. Well, thank you.

22 Mr. Kelly.

23 MR. KELLY: I would go back to the beginning  
24 of the list, Commissioner Danny Kolhage.

25 COMMISSIONER POLMANN: Are we going to have

1 the same issue here?

2 MR. FRIEDMAN: I am making the same objection,  
3 unless he can say he is a customer, and my  
4 understanding he is not. If he is, I will --

5 UNIDENTIFIED SPEAKER: It's a public  
6 hearing --

7 MR. KELLY: I would ask that you look at the  
8 notice, it says: Members of the public who wish to  
9 present testimony urged to appear promptly.

10 MS. HELTON: Mr. Chairman.

11 MR. FRIEDMAN: This is a formal administrative  
12 proceeding.

13 COMMISSIONER POLMANN: Okay. I am looking to  
14 my legal advisor.

15 MS. HELTON: Thank you.

16 Normally the Commission does take a broad  
17 stance when we have a public testimony portion of  
18 the hearing and we want to hear, you all want to  
19 hear from everyone that takes the time out of their  
20 busy schedule to come and give you comments.  
21 However, we are -- as Mr. Friedman just said, we  
22 are under a little bit different confines here.

23 We are in an evidentiary hearing governed by  
24 Chapter 120. And an order establishing procedure  
25 has been entered, which says that each party shall



1 file all testimony and exhibits that it intends to  
2 sponsor pursuant to the provisions laid out in the  
3 order establishing procedure.

4 Monroe County has intervened as a party in  
5 this case, and I believe that it would be  
6 inappropriate to allow two County Commissioners to  
7 present testimony to you in their official capacity  
8 as County Commissioners.

9 And as far as previous precedent, that is  
10 exactly what the Commission did in the UIF case,  
11 the last rate case when a county commissioner  
12 wanted to present testimony to you in a service  
13 hearing when that county had intervened in the  
14 docket.

15 MR. WRIGHT: Commissioner, I reiterate my  
16 point. These Commissioners are not testifying on  
17 behalf of Monroe County. They are testifying as  
18 voices of their constituents.

19 COMMISSIONER POLMANN: Thank you, Mr. Wright.  
20 It's difficult for me to make that distinction. I  
21 understand what you are saying, and I see that part  
22 of the argument. I am also understanding that the  
23 County, as a body politic, made the decision to be  
24 here as a party to the hearing. And I believe -- I  
25 may be speculating, but it would be my expectation

1           that the County Commission made that decision, not  
2           the County Attorney.

3           So as a body, they chose to be here. And if  
4           that, in fact, is true, then I am going to not  
5           allow that because we are taking the comment as  
6           testimony under oath.

7           MR. WRIGHT: And we presented the testimony --  
8           we have proffered at this time the testimony of  
9           three witnesses in the technical hearing, the  
10          formal evidentiary proceeding. This is the  
11          customer hearing, public testimony is ostensibly,  
12          per the notice as published by the Commission and  
13          KWRU, welcome. This is voices of the people.

14          COMMISSIONER POLMANN: Understood. In this  
15          case, the County Commissioner is a special person,  
16          being a party; and as I understand it, unless I am  
17          corrected, in a pure sense, he was involved in the  
18          decision to be a party, and I see him as an elected  
19          official having made that decision as not  
20          representing here today simply the public, but  
21          necessarily a part of the decision to be an  
22          intervenor.

23          MS. HALL: Chairman.

24          COMMISSIONER POLMANN: Ms. Hall.

25          MS. HALL: Chairman, and not to prolong the

1           debate, but because I think this is a very  
2           important point, if Mr. Friedman's logic is  
3           extended, then none of the customers standing  
4           behind me, or sitting behind me, could stand up and  
5           speak because Office of Public Counsel is sitting  
6           next to me, and they represent the rate paying  
7           customers, so we would end up with a very empty  
8           meeting.

9           But in addition, sir, if this would help --  
10          while we do not agree with this approach, if it  
11          would help, I think each one of my commissioners  
12          happens to have an independent affiliation or  
13          reason for being here.

14          In one case, one is a realtor who has sold  
15          property to a property owner affected by the rates,  
16          and the other one has been asked to represent the  
17          point of view of a different customer.

18          So if that would help move us along, I can  
19          offer that.

20          COMMISSIONER POLMANN: Well, I appreciate  
21          that, but the appropriate time to have raised that  
22          would be prior to the hearing when we were  
23          considering whether to accept intervenors or not.  
24          I think it's too late to come forward and say, I  
25          have an interest in this because I have a customer

1 to whom I am a realtor.

2 MS. HALL: Mr. Chairman, we didn't know that  
3 this issue was going to come up until it came up.

4 COMMISSIONER POLMANN: Well, as Ms. Helton  
5 identified, the Commission has addressed this issue  
6 not that long ago.

7 MS. HALL: But, sir -- Mr. Chairman, they  
8 spoke in -- both of them spoke --

9 MS. HELTON: Mr. Chairman, I --

10 COMMISSIONER POLMANN: We are going to cut  
11 this off, and if you want to provide written  
12 comments from the commissioners, then my legal  
13 staff will address that and communicate back to you  
14 whether or not it's acceptable. We are not doing  
15 that here now.

16 So I am sorry, we are not going to allow the  
17 County Commissioners to participate at this point.  
18 There is another mechanism for them to do that. As  
19 I identified at the beginning of the hearing, this  
20 is for testimony on the record verbally. Anybody  
21 can provide comments, whatever comments that they  
22 had planned to make, they can do so. I am not  
23 prepared to allow that here now. I have been  
24 advised by my legal counsel, and she identified the  
25 appropriate reason that I am going to stand by.

1           COMMISSINER KOLHAGE: Can you ask him why I  
2 was allowed last hearing?

3           COMMISSIONER POLMANN: I don't have any idea.

4           MR. FRIEDMAN: We didn't object last time. We  
5 are objecting this time.

6           COMMISSIONER POLMANN: I was not here, sir. I  
7 was not an on the Commission. I am not an  
8 attorney. I am looking to the attorney, and we are  
9 moving on until Ms. Helton tells me otherwise.

10          MS. HELTON: Mr. Chairman, I was just going to  
11 say I think that you have heard from the parties.  
12 I think that we can move on now and take testimony  
13 from other individuals that are here for taking  
14 time out of their day to speak.

15          COMMISSIONER POLMANN: Mr. Kelly, I note the  
16 objections, and I see everybody over on that side  
17 of the room shaking their head. That's on the  
18 record. We don't have a camera, whatever, please  
19 move on.

20          MR. KELLY: Nancy Hillman.

21          MS. HILLMAN: My name is Nancy Hillman. I am  
22 a customer of Key West Resort Utilities. I live on  
23 Miriam Street. I have lived at that address since  
24 1984. I have a long history with this utility.

25                 When we first moved back to Key West in 1984,

1           our bill, when we bought the place, was \$11 a  
2           month. We were the new kid on the block, and all  
3           our neighbors insisted that we go to Key West High  
4           School for a meeting, and Tallahassee was to be  
5           there. I was home-schooling my children, and I  
6           thought it a great opportunity to show them what a  
7           good old town hall meeting was like, and they  
8           surely found out, because the utility wanted their  
9           rate to go to \$50 at that time.

10           I will say that usually every August, like the  
11           sun comes up and down, the utility asks for a rate  
12           increase. I can count on it. I can bank on it.

13           I know what's going on on Stock Island. I see  
14           all the new buildings. There are restaurants.  
15           There are hotels. They are money making entities.  
16           If you are going to do that, then you pay.

17           My husband is a Vietnamese Veteran, he is on  
18           oxygen, otherwise he would be here with me right  
19           now. We are a single family, we are on a fixed  
20           income. I wonder how many government officials go  
21           to the grocery store and cannot understand that  
22           there is inflation in the good ole U.S.A.

23           I understand from the newspaper that the  
24           County is picking up the tab of infrastructure for  
25           18, whatever they are, for Key West Resort

1 Utilities. Now, when the County picks up that tab,  
2 the taxpayer is the one that really picks up the  
3 tab. And when I hear people talk about FEMA,  
4 that's the federal government. The federal  
5 government, nor the state government, nor the  
6 county government has a money tree. It all comes  
7 out of the taxpayers.

8 On Social Security, we only got a one or  
9 one-and-a-half percent raise on a fixed income, and  
10 the utility wants a raise of that enormous amount,  
11 you are going to push people out, people who have  
12 been here for a long time, so only the ultra rich  
13 will live here. Take a good long look at the state  
14 of California and the state that California is in  
15 today.

16 I was raised on a farm in Upstate New York.  
17 My mother and father were dairy farmers. They  
18 never had a paid vacation. They never had a health  
19 care plan. They got through it. I am tired of  
20 giveaway programs.

21 We are one small family on Stock Island, and  
22 that is an exorbitant rate. And besides that, Key  
23 West Resort Utilities makes money with their golf  
24 course. They use the water. And I asked the  
25 County, what about the new park, where is that

1 watering to go come from for the fancy new turf?

2 I am tired of it. America is tired of it.

3 Thank you.

4 MR. FRIEDMAN: No questions.

5 (Applause from the audience.)

6 COMMISSIONER POLMANN: Thank you. Okay. We  
7 need to hold the applause, please. Thank you.

8 MR. KELLY: The next speaker is Andy Birrell.

9 COMMISSIONER POLMANN: Is their anyone who's  
10 come into the room that has not been sworn,  
11 customers that intend to speak?

12 Thank you.

13 MR. BIRRELL: My name is Andy Birrell. My  
14 wife and I own 5635 MacDonald Avenue.

15 COMMISSIONER POLMANN: Can you please move the  
16 mic over in front? Thank you.

17 MR. BIRRELL: We sit there, we built a  
18 building. It was erected two years ago. We have  
19 no septic tank. We have no sewer system. We don't  
20 have the infrastructure in the road to hook my  
21 building up to.

22 I would like to start my -- oh, by the way, I  
23 did file a complaint with the Public Service  
24 Commission, and we've been going back and forth on  
25 that.



1           I would like to start my complaint with the  
2 previous owner of the property that I own now was  
3 Braswell, and he, in 2005, applied -- or got a  
4 permit to be hooked up to the sewer system. He  
5 didn't get hooked up, so this is a decade-old  
6 problem.

7           In 2014, I started a conversation with Kevin  
8 Wilson of the County and Chris Johnson of Resort  
9 Utilities about getting hooked up, promises,  
10 stories, blaming, excuses, became the reality of my  
11 monthly calls.

12           County versus Resort Utilities: Each one had  
13 a version of why there was a delay in getting  
14 hooked up. At first, I didn't know who to believe,  
15 but now it's pretty clear to me who's playing games  
16 at my expense.

17           The picture I got from the County versus  
18 Utilities -- Resort Utilities is that Resort  
19 Utilities won the bid to do the job for providing  
20 sewer needs for the public. After a few years,  
21 they decided they needed more money, so they used  
22 people like me to leverage to get money out of the  
23 County.

24           The arm-twisting has stretched over many years  
25 at the at a cost to many folks like me. Those

1 stories should be told, but I am here to say that  
2 the public should not be hammered for, you know,  
3 just a request of a resort utility that I can't see  
4 from my perspective of sitting there waiting,  
5 waiting with promises that they deserve a rate  
6 hike.

7 It's obvious to me that they are not doing  
8 something right, and I am waiting for the sewer  
9 hookup while paying taxes, insurance, utilities. I  
10 can't rent my property, and I can't use my property  
11 basically without a septic system.

12 I am not the only one that is in my position.  
13 There is a bunch of others that can't get hooked  
14 up. I thought they were coming tonight, but I am  
15 the only one that seems to have showed up.

16 The Public Service Commission needs to  
17 determine who is responsible for putting the  
18 infrastructure in the street, and if they conclude  
19 that it was Resort Utilities, there was monies -- I  
20 have been told that there was always monies set  
21 aside to pay for people like me. Maybe it wasn't  
22 the amount of money that they want, but if that  
23 money was sitting there and there is people like me  
24 that are sitting waiting to be hooked up at a great  
25 expense, and if the Commission determines that



1 of George Quintana's garage, he can't rent the back of  
2 it because there is no sewer there.

3           Anyway, I don't know to this day whether I am  
4 supposed to hire the engineer and have that engineer  
5 design the infrastructure that would go in the road or  
6 whether all I have to worry about is getting the line  
7 from my building out to the street. Nobody has told me.  
8 Nobody has called me.

9           COMMISSIONER POLMANN: Mr. Smith, do you have  
10 another comment?

11           MR. SMITH: I would ask -- Mr. Johnson and  
12 Mr. Wright are here. They can assist him right now  
13 and explain where they are at on putting in the  
14 infrastructure so he connect.

15           COMMISSIONER GRAHAM: So, sir, you can have  
16 some follow-up with the utility folks who will  
17 answer those questions specifically.

18           Commissioner Clark, do you have a comment?

19           COMMISSIONER CLARK: Yeah, just for  
20 clarification. So do you live at this location?  
21 Do you have a house there how?

22           MR. BIRRELL: It is a residential building.  
23 It was pretty much built -- it was pretty much  
24 built in -- it took two years to build it, so from  
25 2014 to 2016 it went up, and then from there -- but

1 in 2014, I started talking to Kevin Wilson and  
2 Chris, and saying, hey, when are you guys going to  
3 hook me up? And they would say, oh, yeah, you are  
4 on the list. You are going to get done.

5 And then there was things like, oh, we are  
6 having a lawsuit. They don't have any money to pay  
7 you -- to pay to hook you up. We don't have the  
8 capacity.

9 Then right before -- right before Irma hit,  
10 there was markings in the street, I thought it was  
11 going to get hooked up, but then something about  
12 they had to fix -- oh, they had to fix over by  
13 their utility, they were going to do that first,  
14 and then as soon as that was done, then they were  
15 going to come over and take care of us.

16 COMMISSIONER CLARK: But your house is  
17 finished and you said you don't have a septic tank?

18 MR. BIRRELL: Yeah.

19 COMMISSIONER CLARK: And you don't have sewer,  
20 so no one is living there?

21 MR. BIRRELL: No, it's just sitting there.

22 COMMISSIONER CLARK: Okay.

23 MR. BIRRELL: It's hundreds of thousands of  
24 dollars that I pay taxes on, I pay utilities, I  
25 pay, and it's just sitting there.

1           COMMISSIONER CLARK: You also keep alluding to  
2           that they will pay for it. Is there some sort of  
3           agreement that you are aware of that the County has  
4           with Key West Resorts that they actually pay -- the  
5           County actually pays for the infrastructure  
6           improvements?

7           MR. BIRRELL: No. I have just always been  
8           told that there is money that's set aside in the  
9           overall comprehensive -- I mean --

10          COMMISSIONER POLMANN: That's the County  
11          budget.

12          MR. BIRRELL: I mean, I got to tell you the --  
13          to prove to the Public Service Commission, I asked  
14          the County to give me some paperwork that would  
15          identify why it is that Resort Utilities is going  
16          to get paid, and they sent 200, 300 pages, which I  
17          forwarded on to the Commission that -- I mean, I  
18          couldn't understand it, but it was legal law  
19          language that theoretically they were going to get  
20          paid, you know, maybe --

21          COMMISSIONER POLMANN: What I would -- thank  
22          you for your comments. This is helpful that we  
23          hear from you, and their representative here, who I  
24          think can answer some, if not all, of your  
25          questions about the infrastructure and how to get

1 connected in terms of there being some funds or  
2 something like that.

3 We certainly don't want that sitting here  
4 today, but I think there is also some assistance  
5 directly from the County know, whether that's from  
6 the folks sitting here or elsewhere. I am sure  
7 there is -- I understand you need more information.

8 MR. BIRRELL: I expect to pay just as  
9 everybody else. From 2003, they were responsible  
10 for designing, paying for the pipe that goes from  
11 their building and whatever, the vents and the  
12 backflow things, and whatever --

13 COMMISSIONER POLMANN: Right.

14 MR. BIRRELL: -- but not the -- not the  
15 infrastructure, not the vacuum system that's in the  
16 road.

17 COMMISSIONER POLMANN: There is a mechanism to  
18 take care of your questions here tonight to get  
19 that ball rolling. And if you continue to have a  
20 problem with that, then we have folks on our staff  
21 that look forward to hearing from you, and they are  
22 here today also to give you some contact  
23 information, and you can communicate with us.

24 So I appreciate you being here and bringing  
25 this forth. I think you made the right contacts.

1 Thank you, sir.

2 MS. HALL: Mr. Chairman?

3 COMMISSIONER POLMANN: Yes, Ms. Hall.

4 MS. HALL: Mr. Birrell mentioned having a  
5 document. If we sent it in, could it be made part  
6 of the record?

7 COMMISSIONER GRAHAM: Are these standard  
8 County documents?

9 MS. HALL: No.

10 MR. BIRRELL: I have my correspondence that I  
11 have been communicating with the Commission. I  
12 would like to enter that into the record.

13 COMMISSIONER POLMANN: Ms. Hall, I don't know  
14 how to get it into the record without the customer  
15 identifying it for us.

16 MS. HALL: Maybe he can do that.

17 MR. BIRRELL: Okay. We start off -- there is  
18 a lot of pages here, should I do it afterwards?

19 COMMISSIONER POLMANN: Mr. Birrell, can you  
20 please provide that to Ms. Crawford? Can you  
21 assist Mr. Birrell and see if we can identify what  
22 it is?

23 Sir, can you provide that to the staff  
24 attorney? I just want to try and identify it and  
25 see how we can help you get that on the record.



1 MR. WRIGHT: Commissioner?

2 COMMISSIONER POLMANN: Yes, sir.

3 MR. WRIGHT: This is not unusual for customers  
4 to come to service hearings with documents and have  
5 them admitted into the record.

6 COMMISSIONER POLMANN: I understand. I am  
7 just trying to --

8 MR. WRIGHT: Just --

9 COMMISSIONER POLMANN: -- see how we identify  
10 it.

11 MS. HALL: You also, Mr. Chairman, to answer  
12 Commissioner Clark's question. Yes, the County, as  
13 Mr. Smith mentioned a little while ago, on March,  
14 was it 28th?

15 MR. SMITH: 21st.

16 MS. HALL: 21st, 2018, the County did, in  
17 fact, enter into an agreement. It was made one of  
18 the exhibits before. I don't have my exhibits in  
19 front of me. It's called Extended Work Agreement,  
20 or whatever its official title is, Additional Work  
21 Agreement whereby the County is giving \$566,000 to  
22 the utility for this additional infrastructure  
23 work.

24 COMMISSIONER POLMANN: It was identified as,  
25 at least part of it was one of the exhibits today.

1 MS. HALL: Thank you.

2 COMMISSIONER POLMANN: Ms. Helton, should we  
3 proceed and come back to that?

4 MS. HELTON: Could we -- yes.

5 MS. MUIR: It's in my office, so I think we  
6 have it all.

7 MS. HELTON: Yeah, I believe this is all the  
8 information that the Commission currently has in  
9 the -- I can't remember what CATS stands for,  
10 consumer --

11 MR. KELLY: Commissioner, but it's not part --  
12 I would like it marked as an exhibit offered by  
13 this witness to go into the record.

14 MS. HELTON: Well, I was not able to finish  
15 what I was going to say.

16 I believe that it is appropriate to identify  
17 this as an exhibit. What I was trying to say is  
18 the that Commission has also already, I believe,  
19 received this information; but we are here taking  
20 testimony right now from Mr. Birrell and I believe  
21 that it is appropriate to take this as an exhibit.  
22 The real question is, do we have the means tonight  
23 to make a copy of it or --

24 MR. BIRRELL: I brought copies.

25 MS. HELTON: You have the copies? Then I

1 believe we can take this as an exhibit, Mr.  
2 Chairman.

3 COMMISSIONER POLMANN: Okay.

4 MS. HELTON: So it should be identified as  
5 Exhibit No. 125.

6 COMMISSIONER POLMANN: Exhibit 125. Sir,  
7 could you please come back to the microphone and  
8 spell your name for all of us?

9 MR. BIRRELL: My name is Andrw Birrell,  
10 B-I-R-R-E-L-L.

11 COMMISSIONER POLMANN: Thank you, sir.

12 And Exhibit 125, Mr. Birrill, as a customer --

13 MR. BIRRELL: It's my correspondence with the  
14 Commission, then also with Resort Utilities and  
15 also with the County. It's, like, the whole  
16 package.

17 MR. KELLY: Could I suggest you just call it  
18 Birrell -- excuse me, Birrell correspondence, Mr.  
19 Chairman?

20 COMMISSIONER POLMANN: It's a composite  
21 exhibit essentially. So it's correspondence  
22 composite exhibit, is that acceptable?  
23 Correspondence composite exhibit?

24 MR. KELLY: Sure.

25 COMMISSIONER POLMANN: I think, with all the

1 discussion we've had here, we are pretty clear what  
2 it is.

3 (Whereupon, Exhibit No. 125 was marked for  
4 identification.)

5 COMMISSIONER POLMANN: Mr. Birrill, I think we  
6 have what we need. I appreciate you bringing all  
7 of that forward. Thank you, sir.

8 Mr. Kelly, you have another customer?

9 MR. KELLY: Yes, sir. The next speaker is  
10 Ms. Diane Beruld -- is it Beruldsen?

11 MS. BERULDSEN: Yes.

12 COMMISSIONER GRAHAM: Your name and address.

13 MS. BERULDSEN: My name is Diane Beruldsen, 25  
14 A 7th Avenue. I am a customer, and I was told to  
15 make five copies, so I have five copies, can I hand  
16 you?

17 COMMISSIONER POLMANN: Staff can handle that.

18 MS. BERULDSEN: There is five copies.

19 So my issue is a little different. Last year,  
20 in November, I get a bill from the company, and I  
21 write off a check. They don't take credit cards,  
22 so what I do is, instead of mailing a monthly  
23 check, I send off 300. I am the kind of person I  
24 always pay my bills on time, I don't owe anybody  
25 any money, and I send the check off. And then I

1 think, whoa, wait a second, something is wrong  
2 here. And then I look back into my checkbook, and  
3 the month prior I sent them another check for 300.  
4 So now I paid \$600 for what?

5 And then I call up the company. And I didn't  
6 get Chris, was he not available. So I spoke to a  
7 woman, I think it was Judy. Their accountant  
8 wasn't in that day. So Judy looks at my record and  
9 she sees one check for \$300, but it's not reflected  
10 on my bill.

11 My bill is on a postcard. Look how small this  
12 is, and this is my -- my concern, how the heck do  
13 you get information that's imperative that's normal  
14 billing procedures on this little postcard? So I  
15 raised my concern with her on that issue because I  
16 can't understand it. I don't understand what these  
17 numbers mean.

18 And so anyway, from that conversation, the  
19 next month I waited for my bill to come in and my  
20 check -- my checks were still not reflected on the  
21 bill. So now what I am going to do is that's when  
22 I started to email Chris. Chris is a very busy  
23 man, and he says, Ms. Beruldsen, perhaps email  
24 would be easier to correspond with me, so I did.

25 So on December 4th last year, 2017 -- and this

1 is now from the package that I gave those five  
2 copies include: Chris, did you read the comment in  
3 the Citizen's Voice today? The utility is really  
4 squeezing money from people who don't have it.  
5 Chris, it gets harder and harder. The people in  
6 Stock Island are working poor. Yes, you now have  
7 new expensive hotels, can't you get money from  
8 those developers? Please read the comment and stop  
9 squeezing the working poor.

10 Also, your website is not up-to-date. It  
11 shows that I, myself, my account is T005, owes the  
12 company money. When I called your office today,  
13 the woman told me I have a credit but the company  
14 you use in California cannot provide up-to-date  
15 information.

16 That's what she explained, she couldn't.

17 Why -- why do you send me an email telling me  
18 to click on this website link when the wrong  
19 information is up.

20 And then on the next page, I have included  
21 that comment from the Citizen's Voice about their  
22 billing.

23 The next page, February 14, Chris, your  
24 billing is difficult to read. You send customers a  
25 small card, no return envelope, cannot pay with

1 credit card. The information is limited because  
2 the card is so small.

3 City Electric offers customers the opportunity  
4 to use a method pay using credit card. They charge  
5 customers the extra money they pay for using the  
6 credit card. By using the credit card, it allows  
7 me to pay automatically. It keeps account of all  
8 my payments to your company, the money gets to your  
9 company, and it's not lost in the mail. I save  
10 money for postage plus I get miles.

11 In addition to difficulty in your billing, the  
12 card you mailed to my house neglected to show my  
13 payments made in October 2017, and I mailed another  
14 \$300 check in November 2017, which still has yet to  
15 be cashed. Maybe that was lost in the mail or your  
16 company never cashed it, but I wish you would joint  
17 modern world of billing to make it easier for us.

18 Also, I have called up your office and spoke  
19 to Judy, who acknowledged the accounting was not  
20 correct. I thought I would see the adjustment in  
21 my recent bill card, but, no. For my bill this  
22 month, February, I mailed you proof of payment from  
23 my bank to your company and asked for an updated  
24 bill to be sent to me. I sent it to you by U.S.  
25 Post Office through mail, and I am waiting for a

1 cleanup on my account.

2 From your website, I downloaded the Excel  
3 spreadsheet for my account. It doesn't tell me  
4 what your company charged me each month, how much I  
5 had to pay.

6 Take a look in this email attachment, and it's  
7 included. While I have you reading these email  
8 that machine, that lift station you have at  
9 Bernstein Park with the red light, it is noisy. Is  
10 it supposed to make so much noise? I spoke to one  
11 of your drivers who visited the machine, and I told  
12 him so. He said the company was to get a new  
13 system, is that true? We were to get a replacement  
14 for your machine -- for your machine out in  
15 Bernstein Park on 5th Street, and this is why I am  
16 so frustrated, and then you see that Excel  
17 spreadsheet.

18 COMMISSIONER POLMANN: Ms. Beruldsen, what is  
19 it your intention to read this entire handout?

20 MS. BERULDSEN: It goes fast, but you know  
21 what, there is no more -- there is so few people  
22 speaking here, I thought you were going to be  
23 relaxed about the timeframe, and also there is  
24 people here who are dying to hear what I have to  
25 say they are here behind me.



1 COMMISSIONER POLMANN: Well, I understand --

2 MS. BERULDSEN: There is not much. I will  
3 read it faster for you want.

4 Please, you did allow the Commissioner speak.  
5 Please let me speak. Are you going to cut me off  
6 here now? Is that -- or am I allowed to continue?

7 COMMISSIONER POLMANN: Well, you have had five  
8 minutes, ma'am.

9 MS. BERULDSEN: Okay.

10 COMMISSIONER POLMANN: I am not cutting you  
11 off. I just want to know if you to read the entire  
12 thing. We are going to accept this as an exhibit.

13 MS. BERULDSEN: I'm going to read this  
14 because -- and I am almost finished, by the way.  
15 I'm almost finished.

16 COMMISSIONER POLMANN: I don't think so,  
17 but -- unless there are other customers that want  
18 to get up and speak.

19 MS. BERULDSEN: It looks like I am the last  
20 one.

21 COMMISSIONER POLMANN: Mr. Kelly, how many  
22 other customers do you have?

23 MR. KELLY: Two.

24 MS. BERULDSEN: Okay.

25 COMMISSIONER GRAHAM: Go ahead, ma'am.

1 MS. BERULDSEN: Okay. Thank you. Thank you.

2 March 23rd, Chris sends me an email that he is  
3 very busy. I send him a return email. Chris, I am  
4 busy, too, and grateful you finally answered my  
5 email. I wait for you to address my concerns.

6 To make this simple for you, your company  
7 should use the same billing system City Electric  
8 uses because it's very comprehensible. Your rates  
9 have been fluctuating from month to month, no  
10 explanation why. A payment of mine was not cashed  
11 or received. A payment of mine was not originally  
12 recorded. Sending each month a check is almost  
13 out-of-date in today's world. This is my number  
14 one priority for Key West Resorts, to use a  
15 comprehensive billing system.

16 I have sent you a copy of my electric bill in  
17 this attachment. You can see all the  
18 information they send their customers. They are  
19 very comprehensive, especially when your company  
20 has tried and actually raised its rates over the  
21 past some years, you need to be very transparent.

22 I wish you would have compassion for the  
23 customers. I have made valid points which you did  
24 not address from the beginning. My account has  
25 been charged a penalty even though I communicated

1 with you several ways. I mailed, phoned and  
2 emailed your company my concerns about updating my  
3 billing. You should take off these additional fees  
4 from my account and credit my account.

5 And then he writes me back. This is very  
6 interesting.

7 March 29th, Ms. Beruldsen, first of all, thank  
8 you for take the time to call my attention to  
9 important viewpoints that I am certain are shared  
10 by many of the utility's customers. I wanted to  
11 make sure each concern was addressed so I left your  
12 questions exactly as you wrote them and I respond  
13 to each below the questions.

14 Where I say your company should use the same  
15 billing system City Electric uses because it's very  
16 comprehensible, his answer: If KW Resort Utilities  
17 were to change billing systems, it would cost the  
18 utility thousands and thousands of dollars to make  
19 the system change. Further, an electric company  
20 billing system may not be the best billing system  
21 for a wastewater utility. When choosing a billing  
22 system comparative size of the utility is a major  
23 factor. For example, there are some billing  
24 systems with licensing fees that are tens of  
25 thousands of dollars for the license alone, and

1           these systems can be great for utilities with  
2           hundreds of thousands of customers to absorb these  
3           costs, but the smaller utilities, large enterprise  
4           billing systems can be cost-prohibitive. Key West  
5           Resort Utilities is very sensitive costs, because  
6           in the end, like any business, costs are passed to  
7           the customer that are using the service.

8           Then I say your rates have been fluctuating  
9           from month to month, no explanation why. He  
10          explains: The rates fructuate only when the State  
11          of Florida Public Service Commission approves a  
12          rate change. When this occurs, the utility sends  
13          every customer a notice which is separate from the  
14          monthly bill, giving notice of change rates.

15          Your bill will fructuate each month is your  
16          bill is calculated using the amount of water  
17          consumed, using the FKAA water meter reading,  
18          multiplied by a gallonage charge. As the amount  
19          water used increases and decreases, the monthly  
20          bill will increase and decrease proportionately.  
21          This rate plus usage billing method inherently  
22          creates a different or fluctuating bill amounts  
23          from month to month.

24          A payment of mine was not cashed or received,  
25          I asked. He says: Both the utility accountant

1 Kaitlin and Judy, the utility billing manager, have  
2 looked into this. The utility didn't cash this  
3 check as it was not received by the utility. All  
4 checks that are received are processed in a timely  
5 manner.

6 Not so. They cash them in about two, three  
7 weeks afterwards, and this is a good reason why you  
8 should use credit cards.

9 A payment of mine was not originally recorded.  
10 Their billing -- now I'm going to summarize.  
11 Their billing company don't process the information  
12 correctly. They have a problem with their -- the  
13 company in California.

14 And then I am going to speak through, because  
15 I do feel like I don't want to take up so much of  
16 your time, but in another question I asked Chris, I  
17 says: My account has been charged a penalty even  
18 though I communicated with you in several ways.  
19 Because when I got this bill, I thought it was  
20 incorrect. I wanted to see where -- what I was  
21 paying for. It never was explained in a  
22 comprehensive way.

23 And this is Chris' answer, and this is  
24 profound: The January 2018 -- his answer is: The  
25 January 2018 bill payment was due February 28th,

1           2018. You made this payment by check in person on  
2           March 15, 2018, when you met with the utility's  
3           billing manager Judy. The utility was given an  
4           order by the State of Florida to charge a late fee  
5           when payment isn't received by the due date.

6           So he is blaming it on the State of Florida.  
7           He is the boss. He is the President. He is the  
8           one who could make -- charge me this late fee or  
9           not. And that late fee is profound, because of all  
10          the stress, the time, the effort I have made to  
11          communicate with this man over here, and I get his  
12          secretary, or I get his vice-president, I get all  
13          of these other people and I am still not satisfied.  
14          I still don't -- I still get a postcard, which I  
15          still don't understand.

16          And he can charge me a minuscule \$7, it's  
17          principle, but it's profound, because it's the way  
18          the company is treating everybody in Stock Island.  
19          They are zapping us.

20          And I want to say also I am very sorry you  
21          didn't let our commissioner speak, because it is a  
22          public meeting. And I really resent that, because  
23          we need -- this is public input, and we need to  
24          have as much help as we can.

25          So my issue is with the billing, that it must

1           be comprehensive. Explain what we are paying for,  
2           how much we have paid, and it should be accounted  
3           on that bill.

4           And then finally, I almost neglected to  
5           explain, on this station they have in Stock Island,  
6           every time it floods, the red light goes off, and  
7           there is an alarm. And now today, you know, with a  
8           simple rain, it floods, okay.

9           Sunday, 12:00 noon, that alarm went off, and  
10          it was still on. And I had called on Sunday at one  
11          o'clock, I called their answering service, and  
12          Monday, throughout the day, that alarm was still  
13          on.

14          I live right across the street from that  
15          station. At the very least, turn off your alarm.  
16          That red light -- you know, that red light is going  
17          to go on when it rains. Let us have some peace and  
18          quiet at least.

19          And thank you very much.

20          COMMISSIONER POLMANN: Thank you, ma'am.

21          Mr. Kelly.

22          MR. FRIEDMAN: Are you going to identify her  
23          exhibit?

24          COMMISSIONER POLMANN: Ms. Beruldsen, you  
25          provided a copy for which you were reading.

1 MS. BERULDSEN: Yes.

2 COMMISSIONER POLMANN: And I think it's  
3 appropriate us to enter that item into the record  
4 as an exhibit. Do you have any issue with that?

5 MS. BERULDSEN: No. I would like for you to.  
6 Did anybody have any questions? Did anybody  
7 have any questions for me? No?

8 COMMISSIONER POLMANN: We will include the  
9 package you handed out as Exhibit 126.

10 (Whereupon, Exhibit No. 126 was marked for  
11 identification.)

12 COMMISSIONER POLMANN: And similar to Mr.  
13 Birrill, this will be correspondence composite  
14 exhibit from Ms. Beruldsen.

15 MS. BERULDSEN: One more thing, though. You  
16 know, we are -- I think we have been addressing the  
17 billing, the rate increase, but I don't think  
18 anyone has asked -- you know, I remember this  
19 company came to the public in the early years, I  
20 have been here since 2000, are these -- is this  
21 company qualified? Are they knowledgeable? Do  
22 they know how to service sewer? Because maybe the  
23 company just doesn't know what they are doing, and  
24 here we are, let's ask that as a first question.

25 COMMISSIONER POLMANN: We appreciate your



1           comments. Thank you.

2           Mr. Kelly, please proceed.

3           MR. KELLY: Excuse me, the next speaker is  
4           Javier Garrido.

5           COMMISSIONER POLMANN: Please give us your  
6           naming and address, and you were sworn?

7           MR. GARRIDO: Yes, sir. Yes, sir.

8           My name is Javer Garrido. I represent JG  
9           Rentals, 6310 2nd Street in Stock Island.

10          COMMISSIONER POLMANN: And you are a customer,  
11          is that correct?

12          MR. GARRIDO: Yes, sir. I have more than one  
13          account with Resort Utilities.

14          COMMISSIONER POLMANN: Okay.

15          MR. GARRIDO: And we've owned the property  
16          since the '80s. At the time we were on a septic  
17          system, a faulty one at times. I have dealt with  
18          the faulty system, and I appreciate Key West Resort  
19          Utilities. They take care of a service that I  
20          don't care to do, and I haven't had a backup since.  
21          But I am here more to represent my tenants.

22          All my tenants are low income workforce  
23          families, some of which are subsidized by Section  
24          8. I passed on the increases in wind insurance, a  
25          large increase in flood insurance, and, you know,

1           they are spread pretty thin.

2           I understand the storm increased all of our  
3           costs, and I am here really to represent them. The  
4           increase in the utilities at this time would -- I  
5           have no choice but to pass it on to my tenants in  
6           which they are a dying breed, so to speak, of when  
7           it comes to the workforce.

8           And with that being said, I think if we can  
9           all sharpen our pencil and maybe get a little bit  
10          more efficient over the next few years, and maybe  
11          pass on this increase at the time being, we can  
12          revisit this at a later date.

13          Like I said, I have more than one account. I  
14          do pay on time. And like I said, I do appreciate  
15          the utility company, because it's a job I don't  
16          want to do.

17          Thank you.

18          COMMISSIONER POLMANN: Thank you, sir.

19          Mr. Kelly.

20          MR. KELLY: The next speaker is Bobby  
21          Mongelli.

22          MR. MONGELLI: Okay. Thank you.

23          My name is Robert Mongelli. I own two big  
24          restaurants, and -- Half Shell and the Hogfish Bar  
25          and Grill and Roostica on Maloney Avenue. I own

1 three rental units in Harbor Shores, affordable  
2 housing units for my employees. I own a dock at  
3 Bama 1 (sic). I have been around Stock Island  
4 about 16, 17 years.

5 I have had a lot of help from Key West Resort  
6 Utilities over the years. I feel the pain because  
7 I have been there trying to hook up the vacuum pits  
8 myself five years. But I am not really here to  
9 talk about hooking up vacuum pits and how long it  
10 took the commissioners to help us get it done. I  
11 know it's been awarded to a company finally. I  
12 think Haskins Plumbing has the contract. Hopefully  
13 we will be seeing some construction soon so I can  
14 flush the toilet at a rental that I rent from  
15 Mr. Quintana that has a brand new bathroom but I  
16 can't flush the toilet. That should open hopefully  
17 happen soon, I'm hoping.

18 The reason I am up here is because I feel,  
19 because I have seen the development. I was there  
20 in the beginning. I have seen the development. I  
21 see money. I have see, per them selling Oceans  
22 Edge for \$250 million. I see a \$300 million marina  
23 across from me. I see a new development coming in,  
24 Roy's Trailer Park. I see new single family homes  
25 behind Murray's.

1           I feel, to be fair, the brunt of these  
2           payments should be done on the developer's side. I  
3           see consumption from resorts 10 times more than  
4           residential units. I understand it, because I saw  
5           the construction at Key West Resort Utilities, I  
6           saw it every day, the work that was being done for  
7           one year straight. So I know there was damage over  
8           there, but I don't think it's fair to push it on to  
9           the residents, the small residents there. I think  
10          the developer should be paying the brunt of it.

11          I know there was an increase last year,  
12          because we talked about it last year. They got  
13          some money last year. I believe the equipment  
14          should have been insured. If you have hurricane  
15          damage, it should have been insured, everybody else  
16          was insured. I personally haven't raised my prices  
17          in my restaurant in over a year, and I am not going  
18          to because I can't.

19          So I am here mostly for the little person.  
20          There is a lot of money on Stock Island, and there  
21          is a lot more money coming. We all see it.  
22          Everybody sees it. The streets are flooding and  
23          they are raising the streets right now, the County  
24          is paying for it. But the County has been helping  
25          me for five years. For five years the

1 commissioners have been helping me try to just hook  
2 up, I don't know, 10, how many places have I hooked  
3 up, commercial places I hooked up, commercial  
4 businesses? I don't know, but finally we are  
5 getting it done. It took a long time, and the  
6 County paid some of it, Key West Resort Utilities  
7 will pay some of it, and we are finally going to be  
8 able to get some stuff done.

9 So I am asking you nicely, don't pass it on to  
10 the employees. Don't pass it on to the single  
11 family homes. Don't pass it on to the poor people,  
12 because I know what's going to happen, we are going  
13 to have to raise the rents. It's the only way that  
14 we do it, we are going to have to raise the rents.  
15 So every little penny helps.

16 All right, thank you very much.

17 COMMISSIONER POLMANN: Thank you, sir.

18 Do we have anyone else from the public,  
19 customers who would like to address the Commission,  
20 comments on the record?

21 Okay. We have added two exhibits, 125 and  
22 126. We will enter those into the record as we  
23 described them during the proceeding here.

24 (Whereupon, Exhibit Nos. 125-126 were received  
25 into evidence.)

1           COMMISSIONER POLMANN: Closing remarks,  
2           Commissioner Clark?

3           COMMISSIONER CLARK: Mr. Chairman, I was just  
4           wondering, I realize that, from an official record  
5           perspective, you ruled regarding the County. But  
6           at the conclusion of the official record, is there  
7           anything that this commission could do to at least  
8           have some discussion with the County? I certainly  
9           would like to have at least some input from them as  
10          a customer.

11          Ms. Helton, you apparently have something to  
12          say really bad over there.

13          MS. HELTON: I do. I do. Can I get my  
14          statute book?

15          COMMISSIONER CLARK: Sure.

16          COMMISSIONER POLMANN: While you are looking  
17          at that, I will look to Commissioner Fay if he has  
18          any closing comments.

19          COMMISSIONER FAY: Thank you, Mr. Chairman.

20          COMMISSIONER GRAHAM: I think we are speaking  
21          to the customer at this point, not the parties.

22          COMMISSIONER FAY: So as a lawyer, I won't  
23          speak any legal jargon. I just -- the one thing I  
24          wanted to comment on, I heard that, our last  
25          speaker, that there is some pretty good food at

1           those restaurants, so I don't know if that's true  
2           or not. That's just what we've heard.

3           MR. KELLY: It is. We were there last night.

4           MS. HALL: I can definitely corroborate that.

5           COMMISSIONER POLMANN: Excellent.

6           MR. SAYLER: You can have some friendly cross  
7           on that one.

8           COMMISSIONER POLMANN: I have seen, since I  
9           have been here a couple of days, what appear to be  
10          some really good places to eat.

11          To the customers, we really appreciate you  
12          coming out. We had a little bit of a challenge  
13          getting started. I do apologize again for that  
14          delay, and I am sorry we had to move back and forth  
15          here on the issues. We will have a comment from  
16          Ms. Helton in a moment. But thank you for coming  
17          out and participating in this customer service  
18          hearing.

19          And really, back here, we are going to recess  
20          in a moment. We will be back here tomorrow morning  
21          at 9:30. We will take additional public comment  
22          and testimony, please let your friends and  
23          neighbors know we had the session in the evening,  
24          we will have a session in the morning.

25          And, Ms. Helton, you are going to deal with

1 the matter that's on the table?

2 MS. HELTON: And my boss is always telling me,  
3 you need to figure out a way to not say no to the  
4 Commissioners, but unfortunately here, Commissioner  
5 Clark, we are in a Chapter 120 proceeding, and  
6 there are rights assigned to the utility, and there  
7 are rights assigned to the parties. And I  
8 appreciate your desire to want to hear from the  
9 County Commissioners, however, I have to tell you  
10 that, as I understand the law, I think that that is  
11 inappropriate.

12 They have intervened as a party in this case.  
13 They know how to file prefiled testimony. They  
14 actually have three witnesses who have filed  
15 prefiled testimony, which you will hopefully be  
16 hearing from tomorrow, and I recommend to you that  
17 because we are governed by Chapter 120, unless the  
18 utility will agree to an informal conversation here  
19 now, I don't think that that is appropriate.

20 COMMISSIONER CLARK: Your objection is noted.

21 COMMISSIONER POLMANN: I don't think that was  
22 an objection. That was advice.

23 Mr. Smith or Mr. Friedman, do you have any  
24 comments, and no comment is as good as any comment.

25 MR. FRIEDMAN: We agree with everything that



1 Ms. Helton said. It would be inappropriate to have  
2 any conversations with the commissioners directly  
3 in this proceeding.

4 COMMISSIONER CLARK: Let me clarify. I was  
5 not indicating any direct conversation. I was  
6 asking for us to reconsider just allowing them to  
7 come and speak. I will be very candid about that.

8 MS. HELTON: I am sorry. That's my bad for  
9 not letting you finish your sentence. I apologize  
10 for that, Commissioner Clark.

11 COMMISSIONER POLMANN: Okay. I am not going  
12 to entertain any further discussion on this.

13 As I indicated previously, if the County, as a  
14 party, wants to provide any comments into the  
15 record with regard to this proceeding in writing  
16 from a Commissioner or Commissioners, the parties  
17 can address that if and when it occurs. But as I  
18 stand right now, I am not going to allow the  
19 testimony here at the customer service hearing, nor  
20 tomorrow.

21 So we will stand in recess for this evening.  
22 We will be back here at 9:30. And as of now, we  
23 are off the record. Thank you.

24 (Whereupon, the proceedings adjourned for the  
25 evening at 7:46 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA     )  
COUNTY OF LEON       )

I, DEBRA KRICK, Court Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 25th day of May, 2018.




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DEBRA R. KRICK  
NOTARY PUBLIC  
COMMISSION #GG015952  
EXPIRES JULY 27, 2020