

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties, by Utilities, Inc. of Florida.

DOCKET NO. 20200139-WS  
ORDER NO. PSC-2021-0124-PCO-WS  
ISSUED: April 8, 2021

ORDER GRANTING UTILITIES, INC. OF FLORIDA'S MOTION TO REOPEN  
THE RECORD FOR LIMITED PURPOSE OF ADMITTING  
CORRECTED MFR SCHEDULES INTO EVIDENCE AS EXHIBIT 210

On February 2-3, 2021, the Commission conducted an administrative hearing to take testimony and evidence in Utilities, Inc. of Florida's (UIF or Utility) petition for rate increase. The case is scheduled for the Commission's final decision on April 20, 2021.

On April 2, 2021, UIF filed a motion requesting that the record in Docket 20200139-WS be reopened for the limited purpose of admitting into the record UIF's corrected schedules of the Minimum Filing Requirements (MFRs) that were filed in response to Commission staff's deficiency letters. The corrected MFRs are attached to UIF's motion. Pursuant to Rule 25-30.437, Florida Administrative Code (F.A.C.), UIF filed MFRs as an exhibit to the Prefiled Direct Testimony of Deborah Swain. Commission staff reviewed the MFRs and determined that the MFRs did not meet the requirements of Rule 25-30.437, F.A.C. Commission staff sent two deficiency letters to UIF on August 5, 2020<sup>1</sup> and August 31, 2020.<sup>2</sup> UIF filed responses to the deficiency letters on August 24, 2020<sup>3</sup> and August 31, 2020.<sup>4</sup> All parties of record were copied on the deficiency responses which included the corrected MFR schedules. Commission staff and all parties of record have had access throughout this proceeding to the corrected MFR schedules. UIF asserts that the corrected MFRs are necessary to facilitate deliberation on UIF's petition; therefore, the record should be reopened to formalize their admission into the record.

In any matter which goes to hearing, the Commission reserves "the right to reopen the record if at the conclusion of the proceeding we determine that the record is insufficient."<sup>5</sup> On several prior occasions, the Commission has reopened the record of proceedings to admit evidence when the public interest would be served by doing so. For example, it reopened the record in Docket No. 070299-EI to admit Gulf Power Company's Amended Storm Hardening Plan, where the plan had been provided to all parties, relied upon in testimony and briefing, and positions of the parties were predicated upon it, but the plan itself had not been admitted into the

<sup>1</sup> Document No. 04235-2020.

<sup>2</sup> Document No. 05345-2020.

<sup>3</sup> Document No. 04823-2020.

<sup>4</sup> Document No. 05323-2020.

<sup>5</sup> Order No. PSC-04-0395-PCO-TP, issued April 14, 2004, in Docket No. 001503-TP, *In re: Cost recovery and allocation issues for number pooling trials in Florida*, page 3, n.2.

record. The Commission found that reopening the record served the public interest, because no one was prejudiced by its admission, and excluding it would result in unnecessary delay.<sup>6</sup>

The public interest will be served by reopening the record in this proceeding to formally admit the corrected MFR schedules as Exhibit 210, entitled “Deficiency Responses,” into the evidentiary record, so that all participants may rely upon the information it contains in their deliberations. UIF asserts that it has contacted the Office of Public Counsel, the only other party to this proceeding, and it does not object to UIF’s motion.

For the reasons outlined herein, UIF’s motion is granted and the record in Docket No. 20200139-WS is re-opened for the limited purpose of admitting Exhibit 210 into the record. Exhibit 210 is admitted into the record. Thereafter, the record shall be closed.

Based on the foregoing, it is

ORDERED by Chairman Gary F. Clark, as Presiding Officer in this proceeding, that Utilities, Inc. of Florida’s Motion to Reopen the Record for the Limited Purpose of Admitting Corrected MFR Schedules is granted. It is further

ORDERED that the corrected MFR schedules shall be admitted as Exhibit 210 into the record of this proceeding. It is further

ORDERED that the record is closed upon the admission of Exhibit 210. It is further

ORDERED that this docket shall remain open.

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<sup>6</sup> See Order No. PSC-07-1022-FOF-EI, issued December 28, 2007, *In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Gulf Power Company*, pages 6-7. See also Order No. PSC-09-0744-PCO-EI, issued November 10, 2009, in Docket Nos. 080677-EI, *In re: Petition for increase in rates by Florida Power & Light Company*, and 090130-EI, *In re: 2009 depreciation and dismantlement study by Florida Power & Light Company*.

By ORDER of Chairman Gary F. Clark, as Presiding Officer, this 8th day of April, 2021.



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

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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

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

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