

Dorothy Menasco

From: Dana Rudolf [DRudolf@RSBattorneys.com]
Sent: Thursday, December 22, 2011 2:58 PM
To: Filings@psc.state.fl.us
Cc: Martin Friedman
Subject: Docket No. 110153-SU; Utilities, Inc. of Eagle Ridge's Application for Increase in Wastewater Rate in Lee County, Florida

Attachments: Petition for Formal Hearing.pdf

- a) Martin S. Friedman, Esquire
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- b) Docket No. 110153-SU
Utilities, Inc. of Eagle Ridge's Application for Increase in Wastewater Rate in Lee County, Florida
- c) Utilities, Inc. of Eagle Ridge
- d) 4 pages
- e) Petition of Utilities, Inc. of Eagle Ridge for a Formal Administrative Hearing.

12/27/2011

DOCUMENT NUMBER-DATE

09124 DEC 22 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of
UTILITIES, INC. OF EAGLE RIDGE
for an increase in wastewater
rates in Lee County, Florida

DOCKET NO. 110153-SU

PETITION OF UTILITIES, INC. OF EAGLE RIDGE
FOR A FORMAL ADMINISTRATIVE HEARING

UTILITIES, INC. OF EAGLE RIDGE (the *Utility*), by and through its undersigned attorneys and pursuant to Section 120.57, Florida Statutes, and Rule 25-22.029(3), Florida Administrative Code, files this Petition for Formal Administrative Hearing, protesting Order No. PSC-11-0587-PAA-SU (*Order*) of the Florida Public Service Commission (*Commission*) issued December 21, 2011, and states:

Preliminary Matters

1. The name and address of the agency affected and the agency's docket number is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Docket No. 110153-SU

2. The name of the Utility and its mailing address is:

Utilities, Inc. of Eagle Ridge
2335 Sanders Road
Northbrook, IL 60062

3. The address of the Florida office is:

200 Weathersfield Avenue
Altamonte Springs, FL 32714-4099

DOCUMENT NUMBER DATE

09124 DEC 22 =

FPSC-COMMISSION CLERK

4. The names and address of the persons authorized to receive notices and communications in respect to this application are:

Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
766 N. Sun Drive, Suite 4030
Lake Mary, FL 32746
Telephone: (407) 830-6331
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5. The Utility obtained a copy of the Order on December 21, 2011 from the Commission's website.

6. The interests of the Utility are substantially affected by the Order. The specific facts that the Utility contends warrant reversal or modification of the Order are as follows (plus the fall-outs resulting from those facts):

- (a) The allocation of Project Phoenix rate base was erroneous as it included divested systems.
- (b) Rate case expense was understated.
- (c) Erroneously limited the inclusion of unamortized rate case expense in working capital.

7. Each of the foregoing matters involve disputed issues of material fact.

8. The Order establishes January 11, 2012 as the date by which petitions must be filed.

9. Sections 367.081, and 367.0813, Florida Statutes, are the specific statutes that the Utility contends requires reversal or modification of the Order.

10. This Petition is filed for the purpose of seeking the Commission's action with respect to (and all fall-out changes that result from such determinations):

- (a) Determining that the proper rate base allocation of Project Phoenix is not reduced as a result of divestitures, and
- (b) Determining that the proper rate case expense amount includes amounts requested by the Utility and set out in its rate case expense schedule submitted to Staff on August 25, 2011 plus the rate case expense associated with this formal administrative hearing, and
- (c) Determining the proper amount of unamortized rate case expense to include in working capital.

WHEREFORE, the Utility hereby protests and objects to Order No. PSC-11-0587-PAA-SU as to the specific issues raised in this Petition, and petitions the Commission to conduct a formal evidentiary hearing, under the provisions of Section 120.57(1), Florida Statutes, and further requests that such hearing be scheduled at a convenient time within or as close as practical to the Utility's certificated service area.

Respectfully submitted this 22 day of
December, 2011, by:

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MARTIN S. FRIEDMAN
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition of Utilities, Inc. of Eagle Ridge has been served upon the following parties by ECF Filing and U.S. Mail this 22nd day of December, 2011:

Stephen C. Reilly, Deputy Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Jennifer Brubaker, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



MARTIN S. FRIEDMAN