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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20190071-WS

APPLICATION FOR STAFF-ASSISTED
RATE CASE IN POLK COUNTY
BY DEER CREEK RV GOLF &
COUNTRY CLUB, INC.

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 12

COMMISSIONERS
PARTICIPATING: CHAIRMAN GARY F. CLARK
COMMISSIONER ART GRAHAM
COMMISSIONER JULIE I. BROWN
COMMISSIONER DONALD J. POLMANN
COMMISSIONER ANDREW GILES FAY

DATE: Tuesday, March 31, 2020

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK
Court Reporter and
Notary Public in and for
the State of Florida at Large

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

1 P R O C E E D I N G S

2 CHAIRMAN CLARK: Moving to Item No. 12.

3 Mr. Maurey -- nope, Mr. Ballinger, looks like
4 he is wanting to speak.

5 MR. BALLINGER: We have a hand-off.

6 CHAIRMAN CLARK: All right. Mr. Ballinger,
7 you have the floor.

8 MR. BALLINGER: Good morning, Chairman and
9 Commissioner Graham and Commissioners.

10 Item 12 staff's recommendation addressing the
11 application for a staff-assisted rate case b Deer
12 Creek RV Golf & Country Club, Incorporated.

13 Deer Creek is a Class C utility providing
14 water and wastewater services to approximately 752
15 residential and 39 customers in Polk County. Like
16 the previous item, Deer Creek is also a purchaser
17 of both bulk water and wastewater from Polk County.

18 A customer meeting was held in December of
19 2019, and 10 customers spoke at the meeting. The
20 vast majority of comments, have been about 150
21 filed in the docket, have related to expressed an
22 objection or concern regarding the magnitude of the
23 rate increase and other concerns about the use of
24 Deer Creek's distribution and collection lines by
25 nonutility customers.

1 This is Deer Creek's first SARC since becoming
2 a utility in 2017. It used to be run by homeowners
3 and were exempt, and they came under our
4 jurisdiction in 2017.

5 On the phone today, you have Ashley Weinsfeld
6 (sic) -- Weisenfeld from your legal counsel. From
7 technical counsel, Emily Knoblauch, Todd Brown and
8 Shannon Hudson. For the utility you have Jeff
9 Small, Gerald Buhr, Edgar Riley and Mike Caruso.
10 And for the Office of Public Counsel, I believe Tad
11 David is on the line. And staff is here to answer
12 any of your questions.

13 CHAIRMAN CLARK: Thank you, Mr. Ballinger.

14 Mr. Small, do you have a comment to open with?

15 MR. SMALL: Good morning Commissioners. Jeff
16 Small, OCBOA Consulting, on behalf of Deer Creek
17 Utilities.

18 Deer Creek wishes to thank the Commission for
19 proceeding with this agenda considering the current
20 state of affairs. That being said, Deer Creek
21 supports staff's recommendation for this issue.

22 With me today are Deer Creek's legal counsel
23 Gerald Buhr, President of the Board of Directors,
24 John Riley, and Past President Mike Caruso. We are
25 available to answer any questions or comments for

1 this proceeding.

2 Thank you.

3 CHAIRMAN CLARK: Thank you, Mr. Small.

4 Mr. David, are you on the line?

5 MR. DAVID: Yes, sir.

6 CHAIRMAN CLARK: All right.

7 MR. DAVID: Again, can -- can you hear me
8 fine?

9 CHAIRMAN CLARK: Yes, sir. We can hear you.

10 MR. DAVID: Great.

11 Okay. Again -- and I appreciate this time
12 again from the commissioners and staff and
13 everyone.

14 And I wanted to first note that OPC does not
15 object or oppose staff's recommendation. We have
16 been in pretty continual conversation and
17 communication with staff and -- and with Mr. Small
18 and the other utility's representative, and so
19 we -- but we do have one ongoing concern, which, as
20 I said, shouldn't hold up staff's recommendation
21 necessarily, but I did want to get it on record.

22 As -- as mentioned in the introduction,
23 Mr. Ballinger's introduction, Deer Creek is
24 providing wastewater collection services directly
25 to some Polk County customers, but in some of these

1 circumstances, or in these circumstances we are
2 concerned about, neither Polk County nor the Polk
3 County customers are compensating Deer Creek for
4 these services. And we feel like this results in
5 Deer Creek customers paying for services, including
6 maintenance and electricity, that directly benefits
7 Polk County and Polk County's customers.

8 OPC would like to address these concerns
9 without halting the SARC docket today. To this
10 end, Deer Creek and OPC have agreed to work
11 together to pursue a resolution addressing the
12 uncompensated use of some of their wastewater
13 collection and pumping equipment. And if
14 successful, we hope that this will reduce customer
15 rates, Deer Creek customer rates in an appropriate
16 and revenue neutral manner. OPC and Deer Creek
17 would also like to see staff participate in this
18 process.

19 While -- you know, while Deer Creek will not
20 be required to pursue any form of litigation other
21 than potentially filing a rate case petition if the
22 PS -- with the PSC, excuse me, if that's necessary
23 to reduce the customer rate, you know, Deer Creek
24 has represented they will cooperate with OPC if OPC
25 deems it necessary to litigate any of these issues.

1 Once again, I wanted to just get this on
2 record and, you know, OPC does not object to the --
3 or oppose staff's recommendation in this docket,
4 but we wanted the Commission to be aware of this --
5 the issues that I have just previously stated.

6 I really appreciate your time again this
7 morning. Thank you.

8 CHAIRMAN CLARK: Thank you, Mr. David.

9 I shared both of your concerns as well
10 regarding the utilization of facilities. I think
11 that you have our commitment with our staff to work
12 with you to see if we can come to some resolution
13 to the benefit of the consumers of Deer Creek, so
14 you have our support there.

15 Any other interested parties have any
16 comments?

17 Commissioner Graham, any comments?

18 Commissioner Brown?

19 COMMISSIONER BROWN: No, no questions or
20 comments.

21 CHAIRMAN CLARK: Commissioner Polmann?

22 COMMISSIONER POLMANN: Yes, sir. Thank you.

23 This is probably one of more interesting water
24 and wastewater dockets that I have seen. And I
25 reviewed this thoroughly with staff. We had quite

1 a detailed discussion in briefing, and I appreciate
2 the detail that staff was able to go through with
3 me.

4 I am pleased to hear OPC stepping forward and
5 their willingness to work with Deer Creek and the
6 county on the item that they raised. In my
7 discussion with staff, we -- we did talk about
8 that, as you did, Mr. Chairman, and I support the
9 fact that staff will continue to have some
10 discussions regarding that. It's my understanding
11 that the Commission does not have any authority or
12 jurisdiction on that, but I think it will be for
13 the benefit of the customers, and hopefully there
14 will be some progress on that.

15 The -- and the other items in here that --
16 that are fairly complex, in some regard at least, I
17 think are largely addressed certainly in my
18 satisfaction and briefing, so I would support this
19 staff recommendation moving forward.

20 Those are the only comments I have, Mr.
21 Chairman. Thank you.

22 CHAIRMAN CLARK: Thank you, Commissioner
23 Polmann.

24 Commissioner Fay?

25 COMMISSIONER FAY: No questions, Mr. Chairman.

1 I can second that if it makes it easy for you.

2 CHAIRMAN CLARK: Thank you.

3 All right. Any other comments?

4 Commissioner Graham?

5 COMMISSIONER GRAHAM: Yes, Mr. Chairman. I
6 move staff recommendation on all issues on Item No.
7 12.

8 COMMISSIONER FAY: Second.

9 CHAIRMAN CLARK: I have a motion and a second
10 to approve all issues on Item No. 12 as presented.

11 Any discussion?

12 Commissioner Graham, your vote?

13 COMMISSIONER GRAHAM: Yes.

14 CHAIRMAN CLARK: Commissioner Brown?

15 COMMISSIONER BROWN: Aye.

16 CHAIRMAN CLARK: Commissioner Polmann?

17 COMMISSIONER POLMANN: Aye.

18 CHAIRMAN CLARK: Commissioner Fay?

19 COMMISSIONER FAY: Aye.

20 CHAIRMAN CLARK: The item is approved.

21 (Agenda item concluded.)

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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 8th day of April, 2020.



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