

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20250130-WS

Petition for an acquisition adjustment
for a non-viable utility, by CSWR-Florida
Utility Operating Company, LLC.

DOCKET NO. 20250136-WS

Petition for an acquisition adjustment
for a non-viable utility, by CSWR-Florida
Utility Operating Company, LLC.

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 5

COMMISSIONERS
PARTICIPATING: CHAIRMAN GABRIELLA PASSIDOMO SMITH
COMMISSIONER GARY F. CLARK
COMMISSIONER MIKE LA ROSA
COMMISSIONER BOBBY PAYNE
COMMISSIONER ANA ORTEGA

DATE: Tuesday, August 4, 2026

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
TALLAHASSEE, FLORIDA
(850) 894-0828

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

2 CHAIRMAN SMITH: All right. We are going to
3 move backwards now for discussion items, starting
4 with Item No. 5. I will let a little reshuffle
5 happen for the next minute.

6 MR. BLOOM: Good morning Commissioners,
7 Zachary Bloom on behalf of legal staff.

8 Item 5 on today's agenda is the office of
9 Public Counsel's motion to dismiss CSWR's petitions
10 for an acquisition adjustment in both Neighborhood
11 and Rolling Oaks dockets.

12 Staff recommends that the Commission deny
13 OPC's motion to dismiss because administrative
14 finality hasn't attached the petitions filed under
15 the amended acquisition adjustment rule.

16 Representatives of both OPC and CSWR are
17 present and available to answer questions. The
18 parties have not requested oral argument. If the
19 Commission wishes to hear oral argument, staff
20 recommends that the parties be given no more than
21 five minutes to make a statement. Staff is
22 available to answer any questions.

23 CHAIRMAN SMITH: Thank you.

24 Commissioners, any questions on this item?

25 Okay. Then I will go. I was the one who -- I do

1 have a few comments that I think will probably be
2 no surprise.

3 I respectfully disagree with staff's
4 recommendation just on purely legal grounds on this
5 item. To me, CSWR is asking us to apply the
6 amended version of Rule 25-30.037 to two system
7 transfers that were denied positive acquisition
8 adjustments in 2022.

9 So to me, nowhere in the current rule does it
10 contain expressed language signaling it should
11 apply retroactively. New or revised rules are not
12 applicable to legal matters before a rule change
13 unless explicitly stated and authorized by the
14 enabling statute, and nor am I persuaded that the
15 exceptions to administrative finality provided by
16 staff apply here.

17 And finally, I disagree with the
18 recommendation that the amended rule merely
19 provides a procedural clarification of the previous
20 one. The previous rule version required utilities
21 to overcome steep hurdles in requesting positive
22 acquisition adjustments, making its application at
23 the time of transfer and demonstrating the
24 extraordinary circumstances in support of its
25 request. I believe the amended rule provides

1 greater flexibility on the timing of an acquisition
2 adjustment request as rules provide clear
3 guidelines as to what information the utility needs
4 to present in support of its request.

5 So like I said in a previous order that's
6 nearly identical, the amended rule is applicable to
7 new applications, and I look forward to those new
8 applications under -- and reviewing them under the
9 new revised rule, as I do believe it provides
10 greater flexibility, and that utilities should take
11 advantage of that updated language, but I don't
12 believe that it applies here.

13 So with that, I would -- I will go ahead and
14 take a motion if there is no other -- and I think
15 it's pretty clear where I stand on this.

16 COMMISSIONER CLARK: Move to approve staff
17 recommendation, Madam Chair.

18 COMMISSIONER LA ROSA: Second.

19 CHAIRMAN CLARK: All those in favor, please
20 say aye.

21 (Chorus of ayes.)

22 CHAIRMAN SMITH: All those opposed?
23 Nay.

24 All right. So with that, it looks like
25 staff's recommendation is approved on this item,

1 though. Thank you.

2 (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 11th day of August, 2026.


DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH575054
EXPIRES AUGUST 13, 2028