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Subject: 100330-WS - Electronic Filing
Attachments: Response to Motion to Set Date for Testimony.pdf

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b. Docket number and title for electronic filing are: Docket No. 100330-WS - In Re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

c. The name of the party on whose behalf the document is filed: Aqua Utilities Florida, Inc. ("AUF").

d. Total number of pages: 4

e. Brief description of filing: Aqua Utilities Florida, Inc.'s Response to Motion for Entry of Order Setting Date for Testimony at Technical Hearing by YES Companies, LLC d/b/a Arredondo Farms

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.	Docket No. 100330-WS Filed: October 4, 2011
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**AQUA UTILITIES FLORIDA, INC.'S RESPONSE TO
MOTION FOR ENTRY OF ORDER SETTING DATE
FOR TESTIMONY AT TECHNICAL HEARINGS
BY YES COMPANIES, LLC D/B/A ARREDONDO FARMS**

Pursuant to Rule 28-106.204, Florida Administrative Code, Aqua Utilities Florida, Inc. ("AUF"), hereby files this Response to the Motion for Entry of Order Setting Date for Testimony at Technical Hearings filed by YES Companies, LLC d/b/a Arredondo Farms ("YES") on September 27, 2011. In support thereof, AUF states:

1. The Order Establishing Procedure issued in this case on July 25, 2011, clearly sets forth the schedule and procedure for the submission of testimony in this case. *See* Ord. No. PSC-11-0309-PCO-WS, at 2-3 & 9. That Order provides that all testimony on which an intervening party intends to rely at hearing was required to be prefiled by September 22, 2011. *Id.* ("Each party shall file, in writing, all testimony and exhibits that it intends to sponsor, pursuant to the schedule set forth in Section IX of this Order. . . . Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony.") (emphasis supplied).

2. As a party to this case, YES was permitted to and did submit prefiled written testimony of witnesses Kurz, Harpin, Starling, Gray and Green on September 22, 2011.

3. AUF is certainly not opposed to working with counsel for YES on an agreed-upon schedule whereby the aforementioned YES witnesses could appear in Tallahassee to sponsor and defend their prefiled testimony in order to accommodate the work and travel

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schedules of those witnesses. However, YES's motion appears to request that the Commission set aside the Order Establishing Procedure in order to permit YES to submit additional, supplemental, live testimony at the Technical Hearing. If that is the intent of YES's motion, AUF would object.

4. The Order Establishing Procedure set forth clear deadlines in order to afford all intervening parties ample opportunity to prefile all of their testimony by September 22, 2011. YES is represented by outside counsel, was aware of this deadline and, indeed, submitted testimony. Permitting YES to offer additional, supplemental testimony live at the Technical Hearing will open the door to all of the parties requesting to put on supplemental, live testimony at the Technical Hearing.

5. The statutory intent behind the PAA process is to reduce and manage rate case expense, which is ultimately borne by all of AUF's customers, not just those residing in Arredondo Farms. Any supplemental, live testimony—especially testimony that is largely duplicative to that which was already offered at the Gainesville Customer Hearing—will unnecessarily result in increased rate expense for all customers. There is simply no compelling justification to set aside the Order Establishing Procedure or to incur such unnecessary, additional rate case expense.

WHEREFORE, AUF respectfully requests that the Commission deny YES's attempt to set aside the Order Establishing Procedure and its request to present additional, supplemental testimony live at the Technical Hearing.

Respectfully submitted this 4th day of October, 2011.



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by e-mail and U.S. Mail this 4th day of October, 2011 to:

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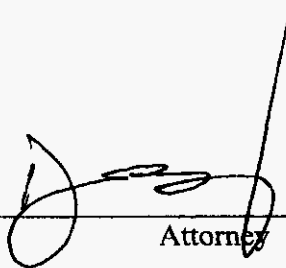
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