

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in wastewater rates
in Monroe County by K W Resort Utilities Corp.

DOCKET NO. 150071-SU

FILED: September 7, 2016

**JOINT MOTION FOR EXTENSION OF TESTIMONY FILING DATES ESTABLISHED
BY ORDER NO. PSC-16-0194-PCO-SU**

The Citizens of the State of Florida (Citizens), by and through the Office of Public Counsel (OPC), and Monroe County, Florida, a political subdivision of the State of Florida (Monroe County), pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), hereby file this Joint Motion for Extension of Testimony Filing Dates established by Order No. PSC-16-0194-PCO-SU (OEP), issued May 17, 2016, in this docket. The Citizens and Monroe County request that this Motion be granted for good cause, and as grounds state the following:

1. On May 17, 2016, following the timely protest and cross-protest of Proposed Agency Action Order No. PSC-16-0123-PAA-SU, issued March 23, 2016, this Commission issued OEP Order No. PSC-16-0194-PCO-SU, which sets forth the following controlling dates in this docket relate to the filing of testimony:

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| (1) Utility's testimony and exhibits | July 1, 2016 |
| (2) Intervenors' testimony and exhibits | September 9, 2016 |
| (3) Staff's testimony and exhibits, if any | September 23, 2016 |
| (4) Rebuttal testimony and exhibits | October 10, 2106 |

2. On July 1, 2016, KW Resort Utilities Corp (KWRU or Utility) timely pre-filed its testimony and exhibits in this matter.

3. The Citizens and Monroe County, representing two of the three intervenor parties in this proceeding, have diligently participated in this case by propounding discovery on the Utility, responding to discovery by the Utility, and preparing to pre-file testimony on September 9, 2016.

4. Pursuant to Rule 28-106.204(4), F.A.C., “Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state *good cause* for the request.” (emphasis added).

Good Cause Shown

5. Counsels of record for the Citizens and Monroe County reside in or near Tallahassee, Florida, which was struck by Hurricane Hermine, a Category 1 storm, shortly after midnight, the morning of September 2, 2016, interrupting their efforts in preparing pre-filed testimony and exhibits.

6. The strong winds of Hurricane Hermine caused severe damage to the local electric utility infrastructure, the city, and surrounding areas, resulting in hundreds of downed trees and powerlines, causing area wide power outages. At one point, over 70,000 electrical customers were without power, and as the date of this filing, thousands of customers remain without power.

7. Counsel for Citizens suffered storm damage to his personal residence from a large tree as well as an extended power outage. Counsels for Monroe County experienced similar adverse impacts from the hurricane as well as extended power outages at their residences and law office.

8. The damage from Hurricane Hermine, as well as the cascading effects from storm restoration efforts and lingering power outages, has materially and significantly delayed the preparation of pre-filed testimony and exhibits scheduled to be filed on Friday, September 9, 2016.

9. The modification of testimony filing dates for the Intervenors from Friday, September 9, 2016 to Wednesday, September 14, 2016, would grant relief from the hardship caused by

Hurricane Hermine, thus, allowing the Citizens and Monroe County to pre-file testimony and exhibits in support of their petition and protest of the PAA Order in this docket. Moreover, this short extension of time should not materially or adversely affect Commission staff's preparation of testimony and exhibits, if any, nor KWRU's preparation of rebuttal testimony and exhibits in response to Intervenor and staff testimony.

10. Pursuant to Rule 28-106.204(3), F.A.C., Citizens' Counsel has attempted to confer with all the Parties of record and Commission legal staff. Harbor Shores Condominium Unit Owners Association Inc. support the Joint Motion. KWRU does not oppose the Joint Motion. Counsel for Commission legal staff did not respond prior to the filing of the Joint Motion.

WHEREFORE, the Citizens and Monroe County hereby request that the Prehearing Officer grant this Joint Motion for Extension of Testimony Filing Dates established by Order No. PSC-16-0194-PCO-SU.

Respectfully submitted 7th day of September, 2016.

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and foregoing JOINT MOTION FOR EXTENSION OF TESTIMONY FILING DATES ESTABLISHED BY ORDER NO. PSC-16-0194-PCO-SU furnished by electronic mail on this 7th day of September, 2016, to the following:

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