

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
ORDER NO. PSC-16-0372-PCO-SU
ISSUED: September 15, 2016

FIRST ORDER REVISING ORDER ESTABLISHING PROCEDURE

K W Resort Utilities Corporation (K W Resort or Utility) is a Class A Utility providing wastewater service to approximately 2,061 customers in Monroe County. On July 1, 2015, K W Resort filed its application for the rate increase at issue. By Order No. PSC-16-0123-PAA-SU, issued March 23, 2016, the Commission issued a proposed agency action order approving an increase in rates and charges. On April 13, 2016, timely protests to the order were filed by the Office of Public Counsel (OPC) and Monroe County. On April 18 and 20, cross-protests were filed by K W Resort and the Harbor Shores Condominium Unit Owners Association, Inc. (Harbor Shores), respectively. By Order No. PSC-16-0194-PCO-SU, issued May 17, 2016, controlling dates were established for prehearing activities, including for pre-filing testimony and exhibits, as well as an administrative hearing on November 7-9, 2016.

On September 7, 2016, OPC and Monroe County filed a motion for the extension of time for filing intervenor testimony and exhibits from September 9 to September 14, 2016. As good cause for the extension, the parties cite to the impacts and extended outages associated with the September 2, 2016 landfall of Hurricane Hermine suffered by counsel for both OPC and Monroe County. The parties contend that the short extension should not prejudice staff or the other parties in their preparation for staff or rebuttal testimony. Harbor Shores supports the motion, and K W Resort took no position.

Upon consideration, the motion for extension of time is reasonable and should not unduly prejudice any of the parties in their preparation for this case. Therefore, the date for filing intervenor testimony and exhibits established by Order No. PSC-16-0194-PCO-SU shall be revised from September 9 to September 14, 2016. All other provisions of the order shall remain in effect and shall govern this proceeding unless modified by the Commission.

Based upon the foregoing, it is

ORDERED by Commissioner Jimmy Patronis as Prehearing Officer, that the Motion for Extension of Time filed by Citizens and Monroe is granted. It is further

ORDERED that Order No. PSC-16-0194-PCO-SU shall be revised as indicated above. It is further

ORDERED that all other provisions of Order No. PSC-16-0194-PCO-SU remain in effect and shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner Jimmy Patronis, as Prehearing Officer, this 15th day of September, 2016.

/s/ Jimmy Patronis

JIMMY PATRONIS

Commissioner and Prehearing Officer

Florida Public Service Commission

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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.