

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 150071-SU
Filed: October 18, 2016

HARBOR SHORES CONDOMINIUM UNIT OWNERS ASSOCIATION INC. (HARBOR SHORES) IN RESPONSE TO THE OPPOSITION OF K W RESORT UTILITIES CORP (KWRU) TO HARBOR SHORES MOTION FOR EXTENSION OF TESTIMONY FILING DATES ESTABLISHED BY ORDER NO. PSC-16-0194-PCO-SU

Harbor Shores Condominium Unit Owners (Harbor Shores), by and through undersigned representative and pursuant to Rule 28-106.204, Fla. Admin. Code, hereby files its response to KWRU's Opposition to Harbor Shores Motion for Extension of Testimony Filing Dates Established by Order No. PSC-16-0194-PCO-SU ("Motion"), and as grounds therefore states as follows:

1. On May 17, 2014, the Public Service Commission issued its Order Establishing Procedure in the above-captioned matter. The Order Establishing Procedure provided, in pertinent part, that Intervenors' testimony and exhibits were due to be filed on or before September 9, 2016.
2. The deadline for filing of Intervenors' testimony and exhibits was subsequently extended to September 15, 2016. This extension did not really apply to Harbor Shores since it was unaffected by Hurricane Mathew.
3. Harbor Shores failed to file its testimony and exhibits on or before September 15, 2016.

4. On October 17, 2016, more than thirty days after the filing deadline, Harbor Shores filed the Motion pursuant to Rule 28-106.204(4), F.A.C., seeking an extension of time to file its testimony and exhibits. On the same date, Harbor Shores filed its testimony and exhibits.

5. Rule 28-106.204(4), F.A.C., provides that “[m]otions 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.”

6. Harbor Shores states, as good cause for the extension of time requested in the Motion, that Ann M. Aktabowski, representative for Harbor Shores, and accepted by the Commission as a Class B Practitioner, has undergone surgeries to reattach a detached retina which occurred in June, 2016.

7. It is a fact that I, Ann Aktabowski, Representative, have undergone three surgeries since June 2016 to reattach a detached retina. It is a fact that I participated in several conference calls during the period between June 2016 and September 15, 2016. It is also a fact that those calls were held while I was lying face down with the pertinent documents beneath me on the floor. The propounding discovery on August 19, 2016 was submitted ten days after my second surgery when I was allowed to raise my head for a couple of hours a day. Unfortunately, the third detachment of the retina occurred several days later and was followed by a third surgery on September 8, 2016 again necessitating lying face down for many more days and restricting reading or computer work that might strain the eye. No more filings were made by me until this past few days, having been given medical permission to resume my normal activities on October 11, 2016.

8. Mr. Smith states that at no point did I raise that the detached retina would cause an issue in providing testimony and that is true, but I am loathe to discuss the details of my personal medical issues in such a public forum and I was under the mistaken belief that documents such as Cross Petitions , Discovery, e-mails and letters etc. already on file in this case, could be used in lieu of Direct Testimony.

9. Even if Harbor Shores had asked for an Extension for Time to File in a timely manner, the end result would be precisely what it is now, that is, Direct Testimony being submitted over this past few days, because, regardless of KWRU's questions about genuineness, the fact is, Ann Aktabowski, as the Representative for Harbor Shores, could not have produced the Direct Testimony in any timely fashion, to meet the September 15, or any deadline within the last several weeks.

10. While Harbor Shores understands that the late filing is after KWRU's filing of Rebuttal Testimony, we do not understand how it "severely prejudices" KWRU and how it can possibly "wreak havoc" with the schedule. KWRU still has time to issue Discovery and, considering the fact that ten of the fourteen Exhibits in my Direct Testimony are KWRU documents and, as such, should not require much study or interpretation on the part of KWRU. If the Commission grants Harbor Shores' Motion for Extension of Testimony Filing then it would only be fair that KWRU be granted additional time to file Rebuttal, if any, to Harbor Shores Direct Testimony.

11. It is hard to believe that the one issue of Harbor Shores categorization as a Residential or General Service customer should cause KWRU such angst, considering the numerous and complicated issues to be considered in this case.

WHEREFORE, HARBOR SHORES respectfully requests an Order approving
HARBOR SHORES CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.'s
Motion for Extension of Testimony Filing Dates Established by Order No, PSC 16-0194-PCO-
SU, and allowing the late-filed testimony filed October 17, 2016.

Respectfully submitted this 18th day of October,
2016, by:

/S/ Ann M. Aktabowski

Ann M Aktabowski

Harbor Shores

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CERTIFICATE OF SERVICE
Docket No. 150071-SU

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Prehearing Statement of the Office of Public Counsel has been furnished by electronic mail on this 18th day of October, 2016, to the following:

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