FILED NOV 02, 2016 DOCUMENT NO. 08637-16 FPSC - COMMISSION CLERK

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

NOTICE OF FILING

Applicant, KW Resort Utilities Corp., by and through its undersigned attorneys, hereby

gives notice of filing, in the above-referenced docket, of the Affidavit of Publication, evidencing

that the Notice of Customer Service Hearing and Technical Hearing was published in the Key West

Citizen on October 20, 2016.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by

E-Mail to the following parties this 2nd day of November, 2016:

J. R. Kelly/Erik L. Sayler Office of the Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399-1400 kelly.jr@leg.state.fl.us Sayler.Erik@leg.state.fl.us

Monroe County Attorney's Office Robert Shillinger/Cynthia Hall 1111 12th Street, Suite 408 Key West, FL 33040 <u>Shillinger-Bob@monroecounty-fl.gov</u> <u>Hall-Cynthia@monroecounty-fl.gov</u>

Kyesha Mapp Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 Email: <u>kmapp@psc.state.fl.us</u>

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Robert Scheffel Wright/John T. LaVia III Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 <u>schef@gbwlegal.com</u> <u>jlavia@gbwlegal.com</u>

Ann M. Aktabowski Harbor Shores Condominium Unit Owners Association Inc. 6800 Maloney Ave., Unit 100 Key West, FL 33040 harborshoreshoa@gmail.com Respectfully submitted this 2nd day of November, 2016, by:

SMITH OROPEZA HAWKS, P.L. 138-142 Simonton Street Key West, FL 33040 Telephone: (305) 296-7227 Fax: (305) 296-8448 bart@smithoropeza.com

<u>/s/ Barton W. Smith</u> Barton W. Smith, Esquire For the Firm

FRIEDMAN & FRIEDMAN, P.A. 766 North Sun Drive, Suite 4030 Lake Mary, FL 32746 Telephone: (407) 830-6331 Fax: (407) 878-2178 <u>mfriedman@ff-attorneys.com</u>

<u>/s/ Martin S. Friedman</u> Martin S. Friedman, Esquire For the Firm With the second s

FAX

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STATE OF FLORIDA

Before the undersigned authority personally appeared Paul Clarin, who on oath says that he is Publisher of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of

ewater (127

was published in said newspaper in the issue(s) of

October 20, 2016

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspaper has heretofore been continuously published in said Monroe County, Florida every day, and has been entered as second-class mail matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signature of Affiant Sworn and subscribed before me this $\angle O$ day of ONotary Public: DAWN KAWZINSKY MY COMMISSION # FF 944194 EXPIRES: January 4, 2020 Bonded Thru Notary Public Underwritera Dawn Kawzinsky Expires: 1/4/2020 Notary Seal Personally Known x Produced Identification Type of Identification Produced

The Porter Keys Only Daily Newspaper, Est. 74 Cooke Communications, LLC Florida Keys

PO Box 1800 Key West FI 33041 Office....305-292-7777 Extension...x219 Fax......305-295-8025 legals@keysnews.com

INTERNET PUBLISHING

keywest.com keysnews.com floridakeys.com køy-west.com Web Design Services

NEWSPAPERS The Citizen Florida Keys Free Press

MARKETING SERVICES Commercial Printing Direct Mail

FLORIDA KEYS OFFICES Printing / Main Facility 3420 Northside Drive Key West, FL

33040-1800 Tel 305-292-7777 Fax 305-294-0768 citizen@keywest.com

Internet Division Tel 305-292-1880 Fax 305-294-1699 sales@keywest.com

Upper Keys Office

91731 Overseas Hwy Tavemier, FL 33070 Tel 305-853-7277 Fax 305-853-0556 freepress@floridakeys.com

FROM PAGE 1

Police had probable cause

"I swerved to the right

as the vehicle ran the light

report, which was labeled

Bethel had slurred speech,

No alcohol smell or evi-

Officers said they were

Police said Bethel repeat-

He was "gripping the

edly said, "no," when asked

dence of drinking in the car

related

"alcohol/liquor

offense."

DUI

Continued from Page 1A

and misdemeanor resisting arrest.

another vehicle with a driver and passenger at Duck Wayne Miller. Avenue and 15th Street stopped at a stop sign when comment. a silver Honda driven by Bethel rear-ended them, reports say.

Both reportedly suffered declined medical treatment alleged at the scene, reports say.

block away when the occupants of the alleged victim him to return to the scene of his silver vehicle. the crash.

Bethel was being evaluat- at the time. ed in an ambulance, but he refused to exit it and police Bethel on suspicion of resist- when asked to get out of the had to physically remove ing arrest, State Attorney vehicle. him, reports say. Officers noted in reports that Bethel smelled of alcohol and had trouble keeping his balance.

He was told to put his hands on the hood of a police car and while an officer was writing a crash report, Bethel reportedly fled on foot only to be detained shortly thereafter.

Bethel reportedly resisted arrest by pulling his arms away from police who were attempting to handcuff him and by refusing to enter the back of a police car.

En route to jail, Bethel told Officer Jesse Young that he was diabetic and when asked what type of diabetes he has, Bethel reportedly said: "All of them." Young noted in his report that paramedics checked his blood sugar levels at the scene and determined he was not having a diabetic seizure at the

Young wrote that the crash was sent to pretrial divercaused roughly \$10,000 in sion. damage to both vehicles.

Robert Bethel could not to make the arrest, Vogel submit to a DUI breath test be reached for comment said, but her office's invesafter license was suspended as he remained at Monroe tigation found insufficient County Detention Center on evidence to make charges Stock Island on Wednesday other than careless driving, Police responded to a in lieu of \$15,000 bail. His she said when the case was crash involving Bethel and first court date was sched- resolved in April. uled for Nov. 7 before Judge

Robert Bethel's father, and entered the intersecat 5:45 p.m., reports say. former City Commissioner tion, almost crashing into They told police they were Harry Bethel, declined to me," wrote Officer Kathyann Wanciak in her incident

2015 case

This is not the first inciminor injuries, such as neck dent involving Bethel. police said, and "fumbled" and shoulder pain, and In February 2015, police through his car's interior but that Robert couldn't find his registration Bethel ran a red light at or proof of insurance, police Bethel walked away from Flager Avenue and Kennedy said. the crash and was about a Drive and almost hit a marked patrol car.

Police officers reported was found, according to the vehicle went after him, Bethel was impaired and police reports. stopped him and convinced that he refused to get out of forced to remove Bethel

Bethel's family said he was from the vehicle. When police arrived, suffering a diabetic episode

> While police arrested about field sobriety tests and Catherine Vogel's office took no action on that alle- steering wheel" and would gation. Instead, Bethel was not let go, Wanciak wrote in accused in March 2015 of her report. careless driving and the case

alinhardt@keysnews.com

Habitat

Continued from Page 1A

proposed demolishing the building and allow- maintenance and operabuilding.

Mark tive director of Habitat for Key and Geiger Key. Humanity of Key West and a long-term lease in order to repairs or a new building.

county owned-land on Big on how to fund the ongoing impaired," Schaffer wanted Pine Key for 12 years and pays maintenance and operations to know before the counroughly \$10 a year. In July, the for those half-dozen test ty moves forward on future county issued an engineering projects, Assistant County projects and a tax to pay report for the building stat- Attorney Cynthia Hall. ing that spawling and other damage is extensive and the will also hold a workshop building is not safe.

The report caught Moss and other Habitat staff and implementing storm utility to water quality, according board members off guard fees, for both canal-front to Rhonda Haag, counand they are now scram- and non-canal-front prop- ty sustainability program bling to remain in the erties, to pay for canal res- manager. The cost of restorbuilding. Habitat has been toration projects. offered office space in not be available for eight to nine months, Moss said.

Also on Wednesday:

how to fund the long-term canal restoration projects.

the Lower Keys, said Habitat to vote at least four weeks canals after the pilot projects would need to own or secure ahead of time to start the are complete before any deciprocess to advertise the sions are made about future secure a loan to pay for the meeting because the com- programs and funding them. mission could make some Habitat has occupied the decisions at that meeting of the pollution or are they

> The County Commission know. It is very important." missioners will discuss 122 as "fair," when it comes

Marathon for a discounted missioners did not discuss she said. The costs do not rate, but the property would in detail the proposed utili- include the annual operty fee or any other revenue ations and maintenance streams, only to say they costs of restored canals. would look at federal Restore

The County Commission Act funding, state funding agreed to advertise a meet- and funding from commuing in December where the nities which would want to commission could decide partner with the county on

However, two Sugarloaf Key ing Habitat to build a new tion costs for the half-dozen residents, Colin Hannaford pilot canal restoration proj- and Stuart Schaffer, did speak Moss, execu- ects in Key Largo, Big Pine about the proposed utility fee and the need to have correct The commission needed data about the health of the

"Are the canals the source for them. "We really need to

The county has identified Nov. 14 in which the com- 107 canals as "poor" and ing those canals would On Wednesday, the com- be about \$300 million,

tohara@keysnews.com

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION NOTICE OF CUSTOMER SERVICE HEARING AND TECHNICAL HEARING

> TO K W RESORT UTILITIES CORP. OFFICE OF PUBLIC COUNSEL MONROE COUNTY

HARBOR SHORES CONDOMINIUM UNIT OWNERS ASSOCIATION, INC. AND ALL OTHER INTERESTED PERSONS

DOCKET NO. 150071-SU

APPLICATION FOR INCREASE IN WASTEWATER RATES IN MONROE COUNTY

BY K W RESORT UTILITIES CORP. ISSUED October 20, 2016

NOTICE is hereby given that the Florida Public Service Commission will hold customer service and technical hearings in the above docket on the application for increase in wastewater rates in Monroe County by K W Resort Utilities Corp. ("Utility"). Pursuant to Section 367.081(10), Florida Statutes, the Utility implemented PAA rates subject to refund with interest. The final rates and any need for a refund will be determined only after full evidentiary hearings are held on the Utility's rate case application. The customer service hearings will commence at the time and location shown below and will continue until all witnesses have been heard. Members of the public who wish to present testimony are urged to appear promptly at the scheduled customer service hearing time because the hearing may be adjourned early if no

City of Key West, FL Meeting Agenda Full Detail - Final **Historic Architectural Review Commission** Old City Hall, 510 Greene Street, Key West FL 33040

Tuesday, October 25, 2016 5:30 PM Old City Hall

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

Approval of Minutes

1

Minutes September 27, 2016

HARC Planner's Report

Assistant City Attorney's Report

- **Old Business**
- 2 After the fact enclosure of second floor rear addition and renovation of siding and windows. Renovations to historic building. New enclosed stairway. Paint to match. Elevate house one foot - #820 Carsten Lane - William Rowan Architects (H16-03-0015)

7A

time of the crash.

At the jail, Bethel reportedly refused to exit the patrol car, claiming his foot was numb and he was unable to walk. Young and other officers ultimately had to use a restraint chair at the jail due to Bethel's alleged lack of compliance and his failure to walk under his own power, reports say.

"Bethel's attitude went from extremely agitated and violent to where he made threats to Officer Vazquez semi-compliant to to calm within a short amount of time," Young wrote.

Bethel declined to participate in field sobriety tests or breath tests at the jail, reports say.

While being assessed by the jail nurse, Bethel reportedly yelled that he wanted to go to the emergency room and "made claims of false medical conditions," reports say. He was medically cleared by the nurse and booked into jail.

- Demolition of non-historic exterior staircase. Partial 3 demolition of southwest wall and rear wall of original building - **#820 Carsten Lane - William Rowan Architects** (H16-03-0015)
- Postponed by Applicant New two-story frame 4 house on front portion of lot and new one-story frame house on rear portion of vacant lot. Site improvements including swimming pools, driveways, and fences- #1315 Olivia Street- Michael B. Ingram (H16-03-0036)
- 5 Second Reading - Demolition of side wall and rear addition-#713 Galveston Lane- Guillermo Orozco (H16-03-0054)
- New roof deck on rear side of house #908 Packer Street-6 Michael Lepine (16-03-0055)
- 7 After-the-fact- Installation of window air conditioning units -#1322 Olivia Street - Michael Skoglund (H16-01-0975)
- Major Development Plan New metal replacement building 8 for gym - #724 Truman Avenue - Carlos Huembes (H16-03-0070)

New Business

- 9 Replacement of historic windows with new wood windows -#516 Bahama Street - H.E. Goodley Inc. (16-3452)
- New retractable awning over front deck #821 Whitehead Street Cross Key Marine Canvas (16-3689) 10
- 11 New marguee 18 inches tall freestanding letters and two neon light blue bands, copy Key West Theatre. New marque sign, 4 inches tall with copy, Box Office and one neon band, all light blue neon. One hours of operations wood carved sign 3 square feet with no illumination - #512 Eaton Street - Southernmost Signs (16-3860)
- 12 Renovations to existing house. New two-story rear addition. Newtwo-story accessory structure on rear. New pool and site work - #328 Peacon Lane - William P. Horn (H16-03-0078)

October 20, 2016 Key West Citizen

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NOTICE OF REFERENDUM

Notice is hereby given by the City Commission of the City of Key West, Florida, and further in accordance with the requirements of the provisions of Section 100.342, Florida Statutes the City Commission of the City of Key West, Florida, will submit to the electors of the City of Key West, Florida on November 8, 2016 at the General Election in Key West, Monroe County, Florida, the following entitled question:

"Referendum - Authorization to acquire real property from Keys Energy Services at no cost."

"Should the City of Key West be permitted to acquire the real property located at 101 Geraldine Street, 100 Angela Street and 709 Fort Street, formerly used as a power generation facility, from the Utility Board of the City of Key west (a/k/a Keys Energy Services) at no cost?

Yes

__ No

All qualified electors residing within the City shall be entitled and permitted to vote at such election.

A copy of said Ordinance is on file in the Office of the City Clerk for public use, inspection and examination. Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

October 6 & October 20, 2016 Key West Citizen

witnesses are present to testify

The date, time and location of the hearings are:

Technical Hearing

9:30 a.m., Monday, November 7, 2016 Harvey Government Center Board of County Commissioners Meeting Room 1200 Truman Avenue Kev West, FL 33040

Customer Service Hearing

6:00 p.m., Monday November 7, 2016 Harvey Government Center Board of County Commissioners Meeting Room 1200 Truman Avenue Key West, FL 33040

Tuesday, November 8, 2016, and Wednesday, November 9, 2016 have also been reserved for continuation of the technical hearing if needed. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all the testimony is concluded.

CUSTOMER SERVICE HEARING

Customers will be given the opportunity to present testimony during the evening session beginning at 6:00 p.m., on Monday, November 7, 2016. Customers' testimony will be a part of the evidence presented in the formal hearing.

All customers wishing to testify are urged to be present at the beginning of the session since the session may be adjourned early if no customers are present.

PURPOSE AND PROCEDURE

The purpose of the customer service and technical hearing shall be to take testimony, including customer testimony, on the Utility's application for increase in wastewater rates in Monroe County. The procedure at these hearings shall be as follows: Any pending motions will first be addressed at the technical hearing, commencing at 9:30 a.m. on November 7, 2016, and then all parties shall be given the opportunity to present testimony and other evidence on issues identified at the prehearing conference held on October 28, 2016. At the customer service hearing beginning at 6:00 p.m., on November 7, 2016, members of the public may present testimony on the issues identified by the parties at the prehearing conference. At the conclusion of the customers' testimony, the technical hearing will resume. All witnesses shall be subject to cross examination at the conclusion of their testimony.

Any customer comments regarding the Utility's service or the proposed rate increase should be addressed to the Commission Clerk, Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and such comments should identify the docket number assigned to this proceeding.

JURISDICTION

Jurisdiction over this Utility is vested in the Commission by Chapter 367, Florida Statutes. Authority to approve increased rates is governed by Sections 367.081, 367.082, 367.0816, 367.101, and 367.171, Florida Statutes. The provisions of Chapters 25-9, 25-22, 25-30, and 28-106, Florida Administrative Code, are also applicable.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Office of Commission Clerk at (850) 413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

October 20, 2016 Key West Citizer