

Sandra Soto

From: Office of Commissioner Brown
Sent: Thursday, March 02, 2017 3:30 PM
To: Commissioner Correspondence
Subject: FW: FW: Reconsideration of Discriminatory Decision

Please place in Docket Correspondence, Parties and Interested Persons, in Docket 150071-SU.

Thank you.

From: Ann Aktabowski [mailto:harborshoreshoa@gmail.com]
Sent: Friday, February 24, 2017 4:06 PM
To: Jennifer Crawford; Office Of Commissioner Graham; Office of Commissioner Patronis; Office of Commissioner Brown; Office of Commissioner Brisé; Office of Commissioner Polmann
Cc: Erik Saylor; Martin S. Friedman (mfriedman@coensonfriedman.com); Bart Smith (bart@smithoropeza.com); Kyesha Mapp
Subject: Re: FW: Reconsideration of Discriminatory Decision

Dear Ms. Crawford and Commissioners,

Thank you for your response to my request for reconsideration (see attached).

I find it ironic that, yesterday, Staff has taken the time and effort to file their own request for reconsideration for what I perceive to be a very minor mathematical calculation error, and have even added that Staff can seek reconsideration prior to the issuance of an order to correct an actual factual mistake.

My purpose was not to request a 'premature reconsideration", but to help the Commission and Staff avoid an embarrassing factual mistake refuted by science before the final order was issued.

The factual mistake is highlighted in this quote from page 56 of Staff's recommendation:

“Staff believes that if billing is allowed based on the size of the two FKAA meters, then the Utility would not be adequately compensated **for the demand Harbor Shores’ residents are placing on the system.**”

How can the ownership of Harbor Shores’ sub-meters make any difference in the amount of physical wastewater demand placed on KWRU’s system? You don’t need to consult the record to realize the error above runs contrary to scientific reality. Commissioner Graham, an engineer, can confirm this fact that the same volume of water flowing through two 5/8 x 3/4 water meters would place the same amount of physical demand on a wastewater system irrespective of who owns the meter. It is the size of the meter, not ownership, that matters when it comes to demand being placed on the KWRU system.

This factual mistake, if not rectified, will result in undue discrimination between similarly situated general service customers.

Ms. Crawford, in our conversation you stated that the facts must be in the record and I believe that they are indeed in the record in several areas including direct testimony at the hearings in Key West in November 2016 and in other areas throughout this long process. Isn't it enough that this mistake violates the laws of science? Further, there is no evidence presented at the hearing that would refute this basic, fundamental

scientific fact discussed above. No one presented evidence that should allow the Commission to unduly discriminate among similarly situated groups of general service customers; there is no difference between Harbor Shores and the other communities except for the ownership of the sub-meters.

I would, however, dispute the alleged fact that the physical demand placed on the KWRU system by Harbor Shores FKAA owned sub-meters is somehow physically different from the demand placed on KWRU's system by those who have their own sub-meters that warrants a much higher base rate or that allows the Commission the right to treat Harbor Shores differently.

Thank you for taking the time to communicate, Harbor Shores is hopeful that you'll review and correct this embarrassing mistake of scientific fact prior to the issuance of the Final Order.

Respectfully,

Ann Aktabowski
Representative
Harbor Shores HOA
[770 862-6200](tel:7708626200)

On Wed, Feb 22, 2017 at 5:23 PM, Jennifer Crawford <jcrawfor@psc.state.fl.us> wrote:

Dear Ms. Aktabowski,

I appreciate the opportunity to speak with you today regarding your email dated February 14 (see below), which was forwarded to me for response. As we discussed, a Motion for Reconsideration may be filed by any party to a proceeding who is adversely affected by an order of the Commission. Per Rule 25-22.060, Florida Administrative Code, motions for reconsideration shall be filed within 15 days after issuance of the order. Your request for reconsideration, below, is therefore premature. Once the order issues in Docket 150071-SU, you can refer to the "Notice of Further Proceedings or Judicial Review" attached to the end of the order for more information about how and when reconsideration may be properly filed. As we discussed, the standard for reconsideration is to bring to the Commission's attention some point of fact or law that it overlooked or failed to consider when it rendered its order. Reconsideration is not appropriate for reargument of points previously considered or a request to reweigh the evidence in a manner more favorable to the party.

I hope this information is helpful; please feel free to contact me if you have any further questions.

Jennifer Crawford, Attorney Supervisor

Office of the General Counsel

Florida Public Service Commission

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Tallahassee, FL 32399-0850

[\(850\) 413-6228](tel:8504136228)

jennifer.crawford@psc.state.fl.us

From: Ann Aktabowski [<mailto:harborshoreshoa@gmail.com>]

Sent: Tuesday, February 14, 2017 4:13 PM

To: Office of Commissioner Patronis; Office of Commissioner Brisé; Office of Commissioner Brown; Office Of Commissioner Graham; Office of Commissioner Polmann

Cc: Records Clerk

Subject: Reconsideration of Discriminatory Decision

Dear Commissioners,

Please see the attached letter. Your review and response will be appreciated.

Sincerely,

Ann Aktabowski

Representative

Harbor Shores HOA

[770 862-6200](tel:7708626200)

akta@aol.com