

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-17-0103-PCO-SU  
ISSUED: March 17, 2017

ORDER GRANTING THE OFFICE OF PUBLIC COUNSEL AND MONROE COUNTY'S  
MOTION FOR EXTENSION OF TIME TO RESPOND TO K W RESORT UTILITIES  
CORP.'S MOTION FOR RECONSIDERATION

K W Resort Utilities Corp. (KWRU or Utility) is a Class A Utility providing wastewater service to approximately 2,061 customers in Monroe County. Water service is provided by the Florida Keys Aqueduct Authority (FKAA). 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 proposed agency action order were filed by the Office of Public Counsel (OPC) and Monroe County (County). On April 18 and 21, 2016, cross-protests were filed by Harbor Shores Condominium Unit Owners Association, Inc. (Harbor Shores) and KWRU, respectively. Harbor Shores' representative was granted qualified representative status on April 26, 2016.<sup>1</sup>

A technical hearing was held on November 7-8, 2016, in Key West, Florida, and the Utility, OPC, the County and Harbor Shores were present, presented evidence, and cross-examined the proffered witnesses. Post-hearing briefs were filed by all parties on December 9, 2016. The Commission held post-hearing Agenda Conferences on February 7, and March 7, 2017, and by Order No. PSC-17-0091-FOF-SU (Final Order), issued on March 13, 2017, the Commission resolved all issues arising from KWRU's petition to increase rates.

On March 14, 2017, KWRU timely filed a Motion for Reconsideration of the Final Order pursuant to Rule 25-22.060(1)(a), Florida Administrative Code (F.A.C.). On March 15, 2017, OPC and the County each separately filed a Motion for Extension of Time to File a Response to K W Resort Utilities Corp.'s Motion for Reconsideration. KWRU is opposed to these motions, and Harbor Shores has no objection to OPC's motion. The County was unable to obtain Harbor Shores' position on its own motion.

OPC and the County have requested an additional seven days to file a response to KWRU's motion. As good cause shown for granting an extension, OPC and the County state that preparation for the Gulf Power Company Rate Proceeding in Docket No. 160186-EI, which is scheduled for hearing commencing on March 20, 2017, is monopolizing a lot of their time and resources. Both parties also allege that no prejudice to any party would result from granting the requested extension due to the factual and legal issues that will have to be addressed within the Utility's initial motion. The period for filing for reconsideration does not expire until March 28, 2017; therefore, OPC and the County contend it is unlikely for the Motion for Reconsideration to

<sup>1</sup> Order No. PSC-16-0168-FOF-OT, issued April 26, 2016, in Docket No. 160008-OT, In re: Applications for qualified representative status.

be brought before the Commission any earlier than the May Agenda Conference. Thus, OPC and the County assert that no prejudice should result by granting the extension of time to respond as such an extension would not create any additional delay in reconsideration being brought before the Commission.

Accordingly, OPC and the County have shown good cause for an extension of time to file a response to KWRU's Motion for Reconsideration. Given the complexities of the issues raised by KWRU and the amount of time necessary for this Commission to complete a substantive review of all points raised within KWRU's motion, OPC and the County's request for extension will not harm any party to this docket. Therefore, OPC and the County shall have until March 28, 2017, to file a response to KWRU's Motion for Reconsideration.

Based on the foregoing, it is hereby

ORDERED by Chairman Julie I. Brown that the Office of Public Counsel and Monroe County's Motion for Extension of Time to File a Response to K W Resort Utilities Corp.'s Motion for Reconsideration is hereby granted. It is further

ORDERED that the Office of Public Counsel and Monroe County shall have until March 28, 2017, to file a response to K W Resort Utilities Corp.'s Motion for Reconsideration.

By ORDER of Chairman Julie I. Brown, as Prehearing Officer, this 17th day of March, 2017.



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JULIE I. BROWN  
Chairman and Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

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

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.