

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties by Utilities, Inc. of Florida.

DOCKET NO. 160101-WS  
ORDER NO. PSC-17-0118-PCO-WS  
ISSUED: April 4, 2017

THIRD ORDER REVISING ORDER ESTABLISHING PROCEDURE

On August 31, 2016, Utilities Inc. of Florida (Utility or UIF) filed an application for an increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties in Docket No. 160101-WS. Florida Public Service Commission (Commission) staff reviewed the application, and after all deficiencies were cured set November 22, 2016, as the official filing date. Order No. PSC-16-0558-PCO-WS, the Order Establishing Procedure (OEP), was issued on December 14, 2016, and was subsequently modified by Order Nos. PSC-16-0578-PCO-WS, issued December 20, 2016, and PSC-17-0032-PCO-WS, issued January 24, 2017. This docket is currently scheduled for hearing on May 8-12, 2017.

On March 24, 2017, pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), the Office of Public Counsel (OPC), filed a Motion to Enlarge Discovery Limits Established by the OEP (Motion). In its Motion, OPC contends that due to the complexity and volume of information at issue in this consolidated rate case that will establish new rates for 36 water and wastewater systems, additional interrogatories are required beyond the limit of the 500 that were initially allotted in the OEP. Although rebuttal is not due until April 3, 2017, and the discovery deadline is April 19, 2017, OPC has already utilized 491 of its 500 interrogatories. This tally does not include the subparts which may be counted as separate interrogatories. OPC has therefore requested an additional 250 interrogatories to have sufficient opportunity to make much needed inquiries throughout the remainder of this docket.

UIF filed a response on March 25, 2017 and alleged that by counting the subparts of OPC's interrogatories as separate interrogatories, in accordance with the OEP, OPC has already impermissibly issued a total of 562 interrogatories. The Utility further asserted that OPC wasted a number of its 500 interrogatories through a less than judicious use to seek the answers to insignificant matters. UIF has declined to respond to any of OPC's interrogatories beyond the current 500 limit.

Having reviewed OPC's Motion, and UIF's response, it appears that there is merit to the matters presented by both parties. OPC's request for additional interrogatories is granted. The parties and staff will all be granted an additional 100 Interrogatories in addition to those already filed in this docket on the day that OPC filed its Motion to Expand Discovery Limits. The parties and staff shall also continue to respond to all interrogatories that were served prior to

the date of the filing of OPC's Motion, in accordance with the relevant portions of the OEP as revised.

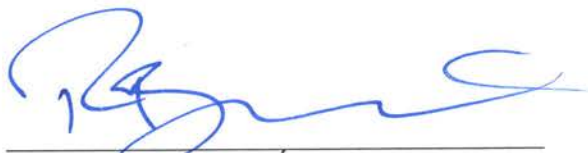
This Revised Order is issued pursuant to the authority afforded to me by Rule 28-106.211, F.A.C., which provides that the Presiding Officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case. Order Nos. PSC-16-0558-PCO-WS, PSC-16-0578-PCO-WS, and PSC-17-0032-PCO-WS, are reaffirmed in all other respects.

It is therefore,

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Order No. PSC-16-0578-PCO-WS, issued on December 20, 2016, shall be modified as stated above. It is further

ORDERED that Order Nos. PSC-16-0558-PCO-WS, PSC-16-0578-PCO-WS, and PSC-17-0032-PCO-WS, are hereby reaffirmed in all other respects.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 4th day of April, 2017.



RONALD A. BRISE  
Commissioner and Prehearing Officer  
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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.

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.