

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. 20170141-SU

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**MOTION FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY AS  
ESTABLISHED IN ORDER NO. PSC-2018-0039-PCO-SU**

K W Resort Utilities Corp. (“KWRU”), by and through undersigned counsel, and pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), hereby files this Motion for Extension of Time to Respond to Discovery, which time to respond is established in Order No. PSC-16-0194-PCO-SU (“OEP”), issued January 12, 2018 in this docket. KWRU request the granting of this Motion for good cause, and as grounds therefore state the following:

1. On January 12, 2018, this Commission issued the OEP, which provides that “[u]nless subsequently modified by the Prehearing Officer, the following shall apply:...(7) For discovery requests made prior to the filing of KWRU’s rebuttal testimony, discovery responses shall be served within 20 days (inclusive of mailing) of receipt of the discovery request....”
2. KWRU has diligently participated in this Docket by timely responding to discovery in this matter, pre-filing testimony and exhibits for its witnesses, and otherwise complying with the OEP.
3. On January 25, 2018, Citizens of the State of Florida (“OPC”) propounded its Third Request for Production of Documents to KWRU (“Third Production”) and its Third Set of Interrogatories to KWRU (“Third Interrogatories”). The Third Production contains some thirty-seven (37) requests to produce, and the Third Interrogatories contains some one

hundred forty-four (144) interrogatories.<sup>1</sup> Pursuant to the OEP, KWRU's responses are due to be served Wednesday, February 14.

4. Also outstanding (although not due for response as of the date of this Motion) are OPC's fourth and fifth requests for production to KWRU, and OPC's fourth and fifth interrogatories to KWRU, which KWRU is diligently working to address. KWRU calculates that OPC has served four-hundred fifty-six (456) interrogatories to KWRU as of the date of this Motion, and KWRU intends to confer and, if necessary, file appropriate motions to ensure PSC's discovery is served in accordance with the terms of the OEP.
5. The voluminous discovery propounded upon KWRU in this action is, quite simply, burdensome to the understaffed utility under the present circumstances. KWRU has responded to seventy-five (75) interrogatories propounded in OPC's previously served first and second sets of interrogatories to KWRU, and forty-eight (48) requests for production propounded in OPC's previously served first and second requests for production to KWRU, in addition to discovery propounded by the PSC. To date, KWRU has produced over 15,000 Bates Numbered pages in response to Requests for Production and Interrogatories.
6. KWRU is on an ongoing basis responding to the PSC Auditor Melissa Glover's Audit Requests (which require next day responses), training a new administrative employee, and preparing notices regarding the recently approved interim rates. KWRU also hosted a plant inspection by OPC engineer Andy Woodcock during the pendency of the Third Request for Production and Third Interrogatories. Obviously, KWRU is operating a wastewater treatment plant and collections system and overseeing/coordinating various plant projects as well.

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<sup>1</sup> All numbers of discovery requests stated herein include subparts, as determined by KWRU in good faith. The discovery propounded by OEP exceeds the OEP and have not been agreed to by KWRU at this juncture.

7. Given current staffing levels and operational duties at KWRU, it is simply not possible for KWRU to respond to the Third Request for Production and Third Interrogatories in the time period set forth in the OEP. The volume of discovery and audit work which KWRU is experiencing has led at least one valued employee to threaten resignation.
8. KWRU requests a modest six (6) day extension, to Tuesday, February 20<sup>th</sup>, to serve its responses to the Third Request for Production and Third Interrogatories. OPC's deadline for filing testimony is March 8, 2018. The requested extension, if granted, would leave OPC sixteen (16) days to review before its testimony is due, and therefore would not materially prejudice OPC.
9. Pursuant to Rule 28-106.204(3), F.A.C., undersigned counsel has attempted to confer with all parties of record and Commission legal staff. OPC and Monroe County oppose this motion. PSC takes no position on this Motion.

WHEREFORE, KW Resort Utilities Corp. respectfully requests that the Prehearing Officer grant this Motion for Extension of Time to Respond to Discovery as Established in Order No. PSC-2018-0039-PCO-SU, and for such other relief deemed just, equitable, and proper.

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20170141**

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

E-mail to the following parties this 14th day of February, 2018:

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