

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for original water
and wastewater Certificates in Sumter
County by South Sumter Utility Company, LLC

DOCKET NO.: 20160220-WS

PETITION TO ESTABLISH EMERGENCY RATES AND CHARGES

Applicant, SOUTH SUMTER UTILITY COMPANY, L.L.C. (“SSU” or “Utility”), by and through its undersigned attorneys files petition to establish emergency rates and in support thereof states:

1. On October 11, 2016, SSU filed an Application in this Docket for original water and wastewater certificates in Sumter County, Florida and requested that the ratemaking portion of the proceeding be bifurcated, and requested a temporary waiver of the Rules which required tariffs and documentation for ratemaking.

2. On February 24, 2017, this Commission by Order No. PSC-17-0059-PAA-WS, granted SSU’s request for a temporary waiver of the ratemaking rules, and granted SSU Water Certificate 669-W and Wastewater Certificate 571-S.

3. SSU anticipates commencing service to customers in May, 2018.

4. In order to afford the Commission sufficient time to evaluate SSU’s request for rates and charges prior to the commencement of service the staff requested that SSU file the supporting financial information by September 30, 2017.

5. Although SSU diligently worked towards meeting that filing date, partially due to Hurricane Irma SSU advised staff that it expected a two week delay in filing the supporting financial information.

6. SSU filed the supporting documentation on October 11, 2017. On November 14, 2017, staff advised SSU of deficiencies, which were corrected the same day. The Agenda date was originally anticipated for March 1, 2018, but subsequently moved to April 20, 2018, which is the last Agenda that affords the time for drafting the PAA Order and waiting for the protest period to expire and still allow SSU to being serving customers in late May, 2018.

7. Staff could not complete its recommendation by the April 6 deadline and has

advised SSU that the rates and charges would be addressed at the Commission's May 8 Agenda, which does not afford sufficient time for the rates and charges to become final before SSU will begin serving customers. It is expected that the rates and charges will become final prior to SSU actually billing any customers and receiving payments.

8. This Commission has granted emergency relief in certain circumstances under its general ratemaking powers. See, e.g., Order No. PSC-97-0207-FOF-SU, wherein this Commission granted emergency rates, finding that although Chapter 367, Florida Statutes, does not expressly authorize emergency rates, Section 367.011, Florida Statutes, provides that this Commission has exclusive jurisdiction over a utility's rates. Moreover, pursuant to Section 367.121, Florida Statutes, the Commission's general powers include the power to prescribe fair and reasonable rates and charges, classifications, standards of quality and measurements, and service rules and regulations to be observed by each utility.

9. In all such instances when the Commission has granted emergency relief, we have required the utility to hold the monies collected subject to refund pending a final decision. In the instant case, although SSU seeks authority to implement its rates and charges on an emergency basis, it is unlikely that SSU will actually receive any payments for rates and charges.

WHEREFORE, SOUTH SUMTER UTILITY COMPANY, L.L.C. respectfully requests that should the PAA Order setting the initial rates and charges not be effective when SSU commences service, that the Commission allow SSU to implement the initial rates and charges, and if such rates and charges are actually received, to hold them subject to refund.

Respectfully submitted on this 6th day of
April, 2018, by:

FRIEDMAN & FRIEDMAN, P.A.
600 Rinehart Road, Suite 2100
Lake Mary, FL 32746
Telephone: (407) 830-6331
Fax: (407) 878-2178
mfriedman@ff-attorneys.com

 /s/ Martin S. Friedman
MARTIN S. FRIEDMAN
For the Firm

