

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of billing practices of
KW Resort Utilities Corp. in Monroe County

Docket No. 20170086-SU

**K W RESORT UTILITIES CORP.'S MOTION FOR EXTENSION
OF TIME TO RESPOND TO OPC'S MOTION FOR SUMMARY DISPOSITION**

K W RESORT UTILITIES CORP. ("**KWRU**"), by and through its undersigned attorneys and pursuant to Rule 28-106.204, Florida Administrative Code, files this Motion for Extension of Time to file a response to Office of Public Counsel's Motion for Summary Disposition and states:

1. On September 23, 2018, OPC filed a Petition requesting a formal evidentiary hearing with regard to Order No. PSC-2018-0444-PAA-SU.

2. On October 1, 2018, KWRU filed a Motion to Dismiss or in the Alternative Motion to Strike. While OPC may have the authority to represent the general body of ratepayers, as attorneys they cannot ethically represent individual customers without such customer's knowledge and consent. KWRU subsequently filed Releases from Safe Harbor Marina and Sunset Marina wherein those parties released KWRU from any further refunds. OPC made no assertion that it had the consent of any of the particular customers it purports to represent, nor that such customers even had knowledge of such purported representation by OPC. In fact, apparently in response to KWRU's attorneys pointing this omission out to OPC, KWRU understands that OPC then contacted the affected customer in the unsuccessful attempt to convince them to allow OPC to represent them. OPC has filed no documentation that it has the authority to represent these individual customers.

3. On November 19, 2018, OPC filed a Motion for Summary Disposition. Pursuant to

Rule 28-106.204, Florida Administrative Code, KWRU has seven (7) days within which to file a response. The OPC's filing of its Motion on the Monday afternoon before the Thanksgiving holiday effectively gives KWRU two and one half business day to file the response.

4. As KWRU previously advised OPC, until the Commission rules upon its Motion to Dismiss, the Motion for Summary Disposition the Motion is premature. KWRU should not have to incur the time and expense of preparing a response to OPC's Motion until the Commission rules upon whether OPC can represent individual customers without their knowledge or consent, and whether OPC is utilizing the correct procedure as set forth in KWRU's Motion to Dismiss.

5. Staff does not take positions on Motions filed by parties. OPC has advised the undersigned it was amenable to developing an agreement for an extension of time that lasts a specific number of days. However, OPC does not agree to an open-ended extension that is contingent on the ruling on KWRU's Motion to Dismiss.

WHEREFORE, KWRU hereby requests this Commission extend the period of time within which it must respond to OPC's Motion for Summary Disposition until seven days after the issuance of an Order disposing upon KWRU's Motion to Dismiss.

Respectfully submitted on this 21st day of
November, 2018, by:

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CERTIFICATE OF SERVICE

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

E-mail to the following parties this 21st day of November 2018:

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