

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the billing practices of
K W Resort Utilities Corp. in Monroe County.

DOCKET NO. 20170086-SU

MOTION OF K W RESORT UTILITIES CORP. TO ABATE PROCEEDINGS

K W Resort Utilities Corp. (“KWRU”), by and through its undersigned attorneys, respectfully moves the Florida Public Service Commission (“Commission”) to abate these proceeding pending consideration of the Joint Motion of KWRU and Office of Public Counsel (“OPC”) to approve a Stipulation and Settlement addressing issues associated with the Commission’s investigation into the billing practices of KWRU, which KWRU and OPC have entered into in order to resolve the formal administrative proceeding (“Joint Motion”). In support hereof, the KWRU states as follows:

1. On March 13, 2017, the Commission ordered its staff to open this docket and ordered Commission staff to conduct a full audit of KWRU's billing practices to determine if KWRU had violated any of the Commission's orders, rules, or statutes. Order No. PSC-17-0091-FOF-SU, in Docket No. 150071-SU, *In re: Application for increase in wastewater rates in Monroe County by K W Resort Utilities, Corp.*
2. On November 6, 2017, Commission Staff filed its Audit Report, titled, “K W Resort Utilities Corp. Specialized Billing Audit Forty-Eight Months Ending March 30, 2017.”
3. On August 31, 2018 the Commission entered PAA Order No. PSC-2018-0444-PAA-SU (“PAA Order”).
4. The Citizens filed a Petition protesting portions of the PAA Order on September 21,

2018, and on October 1, 2018, KWRU filed a Cross-Petition for a Formal Administrative Hearing. On March 25, 2019, the Commission entered Order No. PSC-2019-0113-PCO-SU denying K W Resort's motion to dismiss or strike, denying OPC's motion for partial summary final order and denying K W Resort's motion for summary final order.

5. On March 14, 2019, the Commission issued its Order Establishing Procedure, Order No. PSC-2019-0101-PCO-SU, ("OEP").

6. KWRU and OPC filed the Joint Motion on May 17, 2019. The OEP requires KWRU to file its Pre-filed Direct Testimony on June 4, 2019, which is prior to the Commission considering the Joint Motion.

7. Since the Stipulation and Settlement Agreement is the result of good faith efforts to address the issues in this proceeding in a manner that will resolve certain billing issues and avoid the unnecessary expense and uncertainty associated with further litigation, and the Stipulation and Settlement Agreement results in a fair, just, and reasonable disposition of the docket to the benefit of the customers referenced in the PAA Order, KWRU believes it will be accepted by the Commission. Further, KWRU believes that the issues with which OPC takes no position will also be able to be resolved at the Commission Conference, negating the necessity for a formal administrative hearing.

8. Since the issues for the formal administrative hearing upon which KWRU will base its Pre-Filed Direct Testimony will not be known until the Commission addresses the Joint Motion, it would be judicious to await the Commission's action on the Joint Motion prior to filing Pre-Filed Direct Testimony.

WHEREFORE, KWRU respectfully request that the Commission abate this proceeding pending its consideration of the Joint Motion to Approve the Stipulation and Settlement Agreement.

Respectfully submitted as of the 28th day of May, 2019, by:

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this ___ day of May 2019, to the following:

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