

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
ORDER NO. PSC-2019-0235-PCO-SU
ISSUED: June 14, 2019

ORDER GRANTING MOTION TO ABATE PROCEEDINGS

This docket was opened to investigate the billing practices of K W Resort Utilities Corporation (KWRU) to determine if KWRU had violated any Commission order, rule or statute.¹ An audit was conducted by Commission staff for the period of April 2013 through March 2017, in which KWRU was found to have charged rates inconsistent with its tariffs. Based on this audit, Proposed Agency Action (PAA) Order and Order to Show Cause No. PSC-2018-0444-PAA-SU was issued on August 31, 2018, requiring both refunds and imposing a \$10,000.00 penalty for alleged violations of Sections 367.081(1) and 367.091(3), Florida Statutes (F.S.) The Office of Public Counsel (OPC) filed a protest of the PAA/refund portion of Order No. PSC-2018-0444-PAA-SU on September 21, 2018, and KWRU filed a Cross Petition for Formal Evidentiary Hearing on October 1, 2018. On March 14, 2019, an Order Establishing Procedure was issued setting a schedule for the PAA/refund portion of Order No. PSC-2019-0101-PCO-SU.

On May 17, 2019, KWRU and OPC filed a Joint Motion for Approval of Stipulation and Settlement which the parties state addresses all issues raised in the Proposed Agency Action/refund portion of Order No. PSC-2018-0444-PAA-SU. On May 28, 2019, KWRU filed a Motion to Abate Proceedings (Motion). In its Motion KWRU argues that the Stipulation and Settlement (Settlement) allows both the PAA/refund and Show Cause portions of Order No. PSC-2018-0444-PAA-SU to be resolved at an agenda conference, thereby negating the necessity for a formal evidentiary hearing. As such, KWRU requests that the filing schedule be suspended until the Settlement is either approved or rejected by the Commission. Depending on that decision, KWRU asserts that the next steps to resolve the outstanding issues in the docket can be instituted.

The schedule set forth in Order No. PSC-2019-0101-PCO-SU sets the final hearing in this docket for September 17-18, 2019, with testimony filing dates of June 4, July 31, August 7, and August 15, 2019, for KWRU, Intervenor, Commission staff, and utility rebuttal, respectively. KWRU filed its direct testimony on June 4.

In light of the proposed Stipulation and Settlement, it is appropriate to suspend the filing and hearing schedule set forth in Section VIII of Order No. PSC-2019-0101-PCO-SU until a decision is made by the Commission on the Settlement.

¹ Order No. PSC-16-0123-PAA-SU, issued March 23, 2016, in Docket No. 150071-SU, In re: Application for increase in wastewater rates in Monroe County by K W Resort Utilities Corporation.

Therefore, it is hereby

ORDERED by Julie I. Brown, as Prehearing Officer, that K W Resort Utilities Corporation's Motion to Abate Proceedings is hereby granted and the filing and hearing schedule in Section VIII of Order No. PSC-2019-0101-PCO-SU is suspended until further notice.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 14th day of June, 2019.



JULIE I. BROWN
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.

SBr

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

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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.