

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Application for Original Certificate of Authorization and Initial Rates and Charges for Water and Wastewater Service in Duval, Baker and Nassau Counties, Florida by FIRST COAST REGIONAL UTILITIES, INC.

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DOCKET NO. 20190168-WS

**FIRST COAST REGIONAL UTILITIES, INC.'S  
RESPONSE TO JEA'S MOTION TO STRIKE APPLICANT'S PARTY  
DISCOVERY TO JEA AND MOTION TO STRIKE JEA'S OBJECTIONS TO  
FIRST COAST'S APPLICATION**

Applicant, First Coast Regional Utilities, Inc., pursuant to rule 28-106.204, Florida Administrative Code, files this response ("Response") to nonparty JEA's Motion to Strike Applicant's Party Discovery to JEA ("Motion to Strike). In support, Applicant states:

**Response to JEA's Motion to Strike**

In support, Applicant states:

1. On August 27, 2019, pursuant to Sections 367.031 and 367.045, Florida Statutes, and Rule 25-30.033, Florida Administrative Code, Applicant filed its Application for Original Certificates of Authorization and Initial Rates and Charges for Water and Wastewater Service in Duval, Baker and Nassau County, Florida ("Application").
2. Between November 25, 2019 and December 5, 2019, Applicant, pursuant to Section 367.045, Florida Statutes and Commission Rule, provided notice of the Application to all entities listed by the Florida Public Service Commission as required to receive such notice and published the required notice in papers of general circulation in Duval, Baker and Nassau Counties.
3. On December 26, 2019, JEA filed an Objection to the Application ("Objection") The Office of the Commission Clerk designated JEA as a nonparty Interested Person.
4. On December 30, 2019, General Counsel for the Commission directed the Office of Commission Clerk to maintain the designation of JEA as an Interested Person rather than a Party of Record until such time as "the parties don't settle the matter informally and we have to set a hearing, we'll have JEA designated as a party of record at that time."
5. On March 4, 2020, counsel for Applicant notified General Counsel that the parties were at an impasse and requested that the matter be scheduled for hearing.

6. On March 5, 2020, Applicant sent JEA requests for production of documents, admissions and interrogatories.
7. On March 23, 2020, JEA, as a nonparty to the proceedings, filed a Motion to Strike Applicant's Party Discover to JEA because it is a nonparty in Docket No. 20190168-WS (this "Docket").
8. Regardless of the designation, JEA filed the Objection as a Petitioner in the Docket. JEA, by filing as a Petitioner, is and always has been a party in this Docket. Staff will not move forward with the Application without first resolving the Petitioner's Objection.

**WHEREFORE**, since the filing of its Objection in this Docket JEA has been a party, in fact if not in name. As such, First Coast requests: (i) that JEA's Motion to Strike be denied; (ii) JEA be designated as a Party of Record as of either the date of filing of its Objection or March 4, 2020, when General Counsel was informed of the impasse in negotiations; (iii) that JEA be ordered to timely answer Applicant's discovery; and (iv) that the Commission enter and Order Establishing Procedure.

Alternatively,

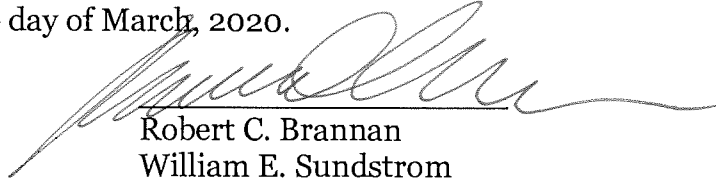
**Motion to Strike JEA's Objection to First Coast's Application.**

In support, Applicant states:

9. Applicant concedes to JEA's position that it has always been, and continues to be, an Interested Person and not a Party of Record in the proceedings in this Docket.
10. Applicant's pending Application, therefore, has no timely formal protestant in this Docket, since the Objection was filed by a nonparty. JEA is either a party with associated corresponding rights and responsibilities in this Docket or JEA is a nonparty with no such rights. JEA cannot be both depending on its convenience and whim directly resulting in undue delay in the application process and a probable violation of Applicant's due process rights. As JEA relies on its nonparty status to escape the obligation to respond to Applicant's discovery, it cannot then claim party status to have its Objection delay consideration and granting of First Coast's Application.
11. Undersigned counsel for Applicant has not contacted JEA in an attempt to resolve this matter without need for this motion as JEA is, by its own admission, not a Party of Record and not entitled to such contact under Rule 28-106.204.

**WHEREFORE**, Applicant requests that the Commission: (i) grant JEA's Motion to Strike; (ii) strike JEA's Objection as it is not a Party of Record; and (iii) proceed with the review and granting of First Coast's Application.

Respectfully submitted this 25<sup>th</sup> day of March, 2020.



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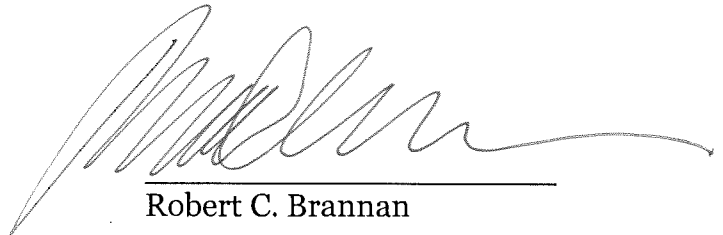
### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished via electronic mail to the following this 25<sup>th</sup> day of March, 2020.

Melinda Watts  
Kristen Simmons  
Florida Public Service Commission  
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I HEREBY CERTIFY that a courtesy copy of the foregoing has been furnished to via electronic mail to the following as representatives of nonparty JEA this 25<sup>th</sup> day of March, 2020.

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