

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a Limited Proceeding to
Increase Wastewater Rates and Service
Availability Charges in Polk County by NC
Real Estate Projects, LLC d/b/a Grenelefe
Utility.

DOCKET NO. 20260098-WS

PETITION FOR VARIANCE AND WAIVER

NC Real Estate Projects, LLC d/b/a Grenelefe Utility (the Utility) by and through its undersigned attorneys and pursuant to Section 120.542, Florida Statutes, hereby petitions the Florida Public Service Commission for a variance and waiver of a requirement of Subsection Rule 25–30.445, Florida Administrative Code, and in support thereof states:

1. The name of the utility and its principal place of business:

NC Real Estate Projects, LLC d/b/a Grenelefe Utility
4501 Abbey Court
Haines City, Florida 33844
863-422-7511
jason@roninassets.com

2. The name and address of the person authorized to receive notices and communications in respect to this Application is:

F. Marshall Deterding, Esquire
Sundstrom Law, LLC
2548 Blairstone Pines Drive
Tallahassee, Florida 32301
850-877-6555
mdeterding@sundstrom-law.com

3. Section 25-30.445(6)(b), FAC, states that a limited proceeding will not be allowed if the requested rate increase exceeds 30 percent.

4. Section 120.542(2), FS, states that, "Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been

achieved by other means by the person and when the application of the rule would create a substantial hardship or would violate the principles of fairness."

5. The Utility just completed a full staff assisted rate proceeding in February of this year in Docket No. 20250023-WS (see Order No. PSC-2026-0054-PAA-WS) in which all aspects of the Utility's investment, revenues, expenses and capital structure were thoroughly reviewed.

6. The Utility believes that the intent of Section 25-30.445(6)(b), FAC, is to avoid substantial increases in rates without a thorough review of all aspects of the utility operations.

7. As a thorough review of all aspects of the utility operations has just been completed in Docket Number 20250023-WS, the purposes of Section 25-30.445(6)(b), FAC, and the underlying statute have already been met and, as such, this requirement serves no useful additional purpose in these circumstances.

8. Denial of this limited proceeding based upon the application of Section 25-30.445(6)(b), FAC, in these circumstances would result in:

- (a) Substantial additional cost and hardship to the utility and its customers by requiring the preparation and submittal of detailed MFRs for no useful purpose.

- (b) Substantial delay in the Utility being able to comply with DEP mandated improvements to its wastewater system that are already nearing their required implementation date, thereby adding additional hardship to the Utility.

9. Prior to the most recent amendment to Rule 25-30.455, section (6)(b) previously read, "In evaluating whether the utility's request is improper for a limited proceeding, the Commission will consider factors such as": The requested rate increase exceeds 30 percent. As such, the 30 percent provision was only a factor to be considered rather than a bar to a limited proceeding under the previous rule interpretation of the statute.

WHEREAS, Section 120.542(2), FS, authorizes the Commission to grant variances and waivers from agency rules where the petitioner subject to the rule has demonstrated that the purpose of the underlying statute will be or has been achieved by other means, and that a strict application of the rule would cause the applicant substantial hardship or would violate the principles of fairness. "Substantial hardship" as defined in this section means demonstrated economic, technological, legal, or other hardship. A violation of the "principles of fairness" occurs when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

WHEREFORE, NC Real Estate Project, LLC d/b/a Grenelefe Utility requests this Florida Public Service Commission grant a variance and waiver of the provisions of Section 25-30.445(6)(b), FAC.

Respectfully submitted on this 20th day of July, 2026, by:

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/s/ F. Marshall Deterding

F. MARSHALL DETERDING
Of Counsel