

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for certificate to provide
wastewater service in Charlotte County, by
Environmental Utilities, LLC

DOCKET NO. 20200226-WS

ENVIRONMENTAL UTILITIES, LLC.'S
MOTION TO BIFURCATE AND FOR TEMPORARY RULE WAIVER

Environmental Utilities, LLC. ("EU"), by and through its undersigned attorneys and pursuant to Section 120.542, Florida Statutes, and Rule 28-104.002, Florida Administrative Code, moves this Commission to bifurcate the certificate and ratemaking proceedings which includes a temporary waiver of certain Rule requirements, and in support thereof states:

1. Since EU does not expect to begin to serve customers until December 2022, it requests that the certification and rate setting processes be bifurcated so that the Certificates can be issued within 90 days as required by Section 367.031, Florida Statutes, and the EU may proceed with permitting. This bifurcation procedure was approved by the Commission in several similar situations in *In re: Application for original certificate to operate water and wastewater utility in Sumter County by North Sumter Utility Company, L.L.C., Order No. PSC-2002-0179-FOF-WS (February 11, 2002)*, in *In re: Application for certificates to provide water and wastewater service in Sumter County by Central Sumter Utility Company, L.L.C., Order No. PSC-2005-0844-PAA-WS (August 18, 2005)*, and in *In re: Application for original water and wastewater certificates in Sumter County by South Sumter Utility Company, LLC, Order No. PSC-2017-0059-PAA-WS (February 24, 2017)*. To effectuate the bifurcation request EU is requesting a temporary rule waiver.

2. In order to accomplish the bifurcation, EU requests a temporary waiver from the requirements of the following Administrative Code Rules:

25-30.033(1)(p) – Support for rates and charges

25-30.033(1)(q) – Tariffs

3. The Rules from which the temporary waiver is being sought are implementing Section 367.045(1)(c), Florida Statutes. As this Statute relates to an original certificate application, it requires filing of financial information for the establishment of original rates and charges. Section 367.031, Florida Statutes, requires a utility to obtain certificates from the Commission prior to the Department of Environmental Protection issuing construction permits. Until such permits are issued EU will not have the financial information required for the Commission to set initial rates. Therein lies the “catch 22”. This inconsistency between the two aforementioned statutes necessitates that the Commission’s Rules on setting initial rates be temporarily waived.

4. EU anticipates filing the information required to set initial rates and charges as required by the foregoing Rules in the first quarter of 2022, which will allow for sufficient time for Commission action prior to the anticipated date for commencing service.

5. The purpose of Section 367.045(1)(c), Florida Statutes, of providing the Commission with financial information to set initial rates prior to the utility beginning to provide service is being met such that the initial rates will be set before the utility begins providing service, and will contain more accurate information. In the instant case the temporary waiver is being requested through the first quarter of 2022, which will allow the Commission sufficient time to evaluate the financial information prior to the utility beginning to serve customers.

6. Pursuant to Rule 28-104.002(1), Florida Administrative Code, a copy of this Motion is being sent to the Joint Administrative Procedures Committee.

WHEREFORE, Environmental Utilities, LLC., requests that this Commission enter an Order bifurcating the ratemaking from the certificate proceeding and temporarily waiving the requirements of Rules 25-30.033(1)(p) and (q), Florida Administrative Code, through the first quarter of 2022.

Respectfully submitted this 14th day of
October, 2020, by:

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