

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems Inc.

DOCKET NO. 080562-WU
ORDER NO. PSC-11-0280-PCO-WU
ISSUED: June 23, 2011

THIRD ORDER REVISING ORDER ESTABLISHING PROCEDURE

On May 6, 2010, the parties to this docket requested an abatement of the proceedings and a continuance of the scheduled hearing to negotiate a possible settlement. By Order No. PSC-10-0294-PCO-WU, issued May 7, 2010, the parties' request was granted. By Order No. PSC-10-0460-PCO-WU, issued July 19, 2010, an extension of the abatement and continuance was granted to continue settlement negotiations. To date there has been no settlement filed in this docket.

Prior to the proceeding being abated and pursuant to the prior procedural schedules, the utility, intervenors, and staff had filed testimony. The remaining controlling dates and key activities that were abated are as follows: the utilities rebuttal testimony, the discovery cut-off, the prehearing statement filing deadline, the prehearing conference, the hearing, and the post-hearing briefs.

On November 16, 2010, the Office of Public Counsel (OPC) filed a Motion for Commission hearing, asking that the Commission and not an administrative law judge from the Division of Administrative Hearings (DOAH) hear the case. OPC stated that Commission staff suggested that the docket be transferred to DOAH. OPC states that given the very small size and gross revenues of the utility, OPC believes it is in the best interest of the utility and its customers to keep litigation expenses to the absolute minimum, and to find the most cost-effective solution possible to this controversy. OPC states that assigning this case to DOAH will unnecessarily increase the cost of litigating this dispute.

It appearing that settlement has not yet been reached, it is appropriate to schedule the remaining events and to set this docket for hearing. Furthermore, having considered the motion of the Office of Public Counsel, the docket will be heard by the assigned Commission panel. In addition, the following controlling dates are hereby revised:

DOCUMENT NUMBER-DATE

04358 JUN 23 =

FPSC-COMMISSION CLERK

East Marion Rebuttal Testimony and Exhibits, if any	July 22, 2011
Prehearing Statements	September 19, 2011
Prehearing Conference	October 3, 2011
Discovery Deadline	September 19, 2011
Hearing	October 13, 2011
Briefs, if any	November 14, 2011

All other provisions of Order Nos. PSC-09-0742-PCO-WU, PSC-10-0116-PCO-WU, and PSC-10-0276-PCO-WU are reaffirmed.

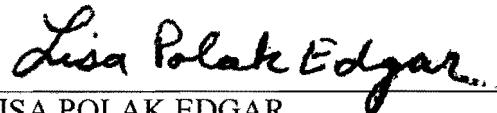
Based on the foregoing, it is

ORDERED that the abatement has been lifted and the docket has been scheduled for hearing as set forth in the body of this order. It is further

ORDERED that the parties shall comply with the controlling dates established by this Third Order Revising Order Establishing Procedure. It is further

ORDERED that all other provisions of Order Nos. PSC-09-0742-PCO-WU, PSC-10-0116-PCO-WU, and PSC-10-0276-PCO-WU are reaffirmed.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 23rd day of June, 2011.



LISA POLAK EDGAR
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

(S E A L)

LCB

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 Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. 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.