

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to operate
water utility in Pasco County by HV Utility
Systems, L.L.C.

DOCKET NO. 110022-WU
ORDER NO. PSC-11-0333-PCO-WU
ISSUED: August 5, 2011

ORDER GRANTING EXTENSION OF TIME

On January 7, 2011, Equity LifeStyle Properties, Inc., Hacienda Village (ELS) filed an Application for Certificate to Operate Water Utility in Pasco County by HV Utility Systems, L.L.C. (Application). On June 10, 2011, ELS sent notice of its Application to Pasco County (County) and the City of New Port Richey (City). On July 13, 2011, the County and City each filed an objection to ELS's Application and a petition for a formal administrative hearing (Petitions).

Motion for Extension of Time

ELS met informally with the County and City on July 27, 2011, in an effort to resolve the issues raised in their Petitions. ELS states that during the informal meeting, it discussed its intention to file a Motion to Dismiss the Petitions, which must be filed within twenty days after service of the petition sought to be dismissed, in this case August 2, 2011, pursuant to Rule 28-106.204(2), Florida Administrative Code (F.A.C.). According to ELS, it advised the County and City that it would be willing to seek an extension of time to file its Motion to Dismiss in light of the ongoing discussions between the parties, and the County and City agreed to support such a motion. On July 28, 2011, ELS filed an Unopposed Motion for an Extension of Time to have until September 15, 2011, to file its motion to dismiss (Motion for Extension).

Nevertheless, on August 2, 2011, ELS filed a Motion to Dismiss the County and City's Petitions (Motion to Dismiss) pursuant to Rule 28-106.204(2), F.A.C. In its Motion to Dismiss, ELS requested that the Commission take no action on the Motion to Dismiss until ruling on its Motion for Extension. ELS stated that if the Motion for Extension was granted, it would withdraw its August 2, 2011 Motion to Dismiss and refile a motion to dismiss, if necessary, within the timeframe of any extension granted.

Analysis and Ruling

Upon review, ELS's Motion for Extension is hereby granted. Pursuant to Rule 28-106.204(6), F.A.C., a motion for an extension of time must be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request. ELS's Motion for Extension was filed on July 28, 2011, prior to the August 2, 2011 motion to dismiss deadline. Furthermore, ELS has stated good cause for granting it an extension until September 15, 2011, namely, the parties' ongoing efforts to resolve the issues raised in the County and City's Petitions without proceeding to hearing. It appears that no party will be prejudiced by an

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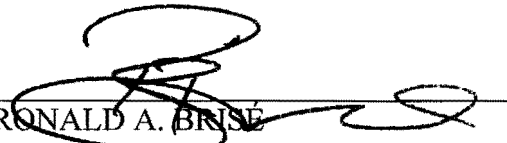
extension until September 15, 2011, no party objects to the extension,¹ and the additional time will give all of the parties involved an opportunity to resolve their concerns. Accordingly, ELS shall have until September 15, 2011, to file a motion to dismiss.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Equity LifeStyle Properties, Inc.'s Motion for an Extension of Time is hereby granted. It is further

ORDERED that Equity LifeStyle Properties, Inc. shall file any motion to dismiss by September 15, 2011.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 5th day of August, 2011.


RONALD A. BRISÉ
Commissioner and Prehearing Officer
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¹ In its Motion for Extension, ELS stated that it contacted the Office of Public Counsel regarding its motion and was authorized to report that OPC did not object.

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.