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Public Service Commission

August 29, 2001

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Katherine G.W. Cowdery, Esquire
Ruden, McClosky, Smith, Schuster
& Russell
215 South Monroe Street
Tallahassee, Florida 32301

RE: Docket No. 000079-SU - Complaint by Sunset Ventures of Key West, Inc. against K.W. Resort Utilities Corp. for discontinuance of service in violation of service availability agreement in Monroe County.

Dear Ms. Cowdery and Mr. Jenkins:

After review of the above referenced case file and my phone contacts with both of your offices, I understand that you are attempting to settle this matter informally between yourselves, to the extent that a proposed agreement is being exchanged between you. Both sides specifically stated that "slow" progress is being made.

From our file, it appears that a Complaint was filed by Sunset Ventures of Key West, Inc. (Sunset) in January, 2000. PSC staff sent out data requests on February 10, 2000, which were responded to by Sunset on April 10, 2000 and by K.W. Resorts Utility Corp. (K.W.) on April 26, 2000. An informal meeting was held June 5, 2000, and an Amended Complaint was then filed January 5, 2001.

On January 29, 2001, a second informal meeting was held between the parties to discuss the possibility of mediation of this dispute. Both Sunset and K W agreed to mediation at that time, and were to respond to PSC staff with a selection of a mediator. Subsequent to a letter from Mr. Jenkins dated January 31, 2001, there has been no further activity in this docket. No mediator has been selected, leading to the "slow" progress with respect to the informal settlement attempts.

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My working file does reflect telephone conversations held with either Mr. Jenkins or Ms. Cowdery on various dates: July 24, 2000, August 7, 2000, February 15, 2001; June 20, 2001. The notes of these conversations reflect the continuous nature of the current situation; i.e. that slow progress on an informal settlement of the complaint has been made.

The Public Service Commission is committed to helping resolve disputes involving the companies we regulate. In the interests of administrative efficiency, however, we cannot hold dockets open indefinitely when no record progress is being made. In this situation, it appears evident that the parties are well willing and able to work out this dispute between them. In the interests of encouraging this effort, if the parties wish to proceed to settlement on their own, PSC staff suggests that it may be appropriate for staff to recommend to the Commission that Commission action is not needed and that the docket should be closed. In this way, the parties can continue to work on a settlement at their own pace and without the intervention of the Commission.

Alternatively, as discussed at the January 29, 2001 informal meeting between the parties, the Commission will be happy to assist with mediation of this dispute, either by facilitation of mediation by an outside mediator or the provision of a certified mediator on the Commission's staff. If the parties are interested in mediation, I ask that you contact me as soon as convenient to discuss this option.

The current Case Assignment and Scheduling Record shows a recommendation due in this docket on October 4, 2001, with an Agenda Conference October 16, 2001. If I do not receive written notification from the parties that the intervention of the Commission is required for resolution of this dispute by September 21, 2001, staff will recommend to the Commission that this docket be closed. Any written notification would need to include specifics about the relief requested from the Commission and the time within which the Commission is requested to act. If you have any questions, or wish to discuss this matter, please do not hesitate to contact me at 413-6076.

Sincerely,



Lawrence D. Harris
Senior Attorney

LDH:lw

cc: Division of Economic Regulation (Rendell)
Division of the Commission Clerk and Administrative Services