

REQUEST FOR CHANGE TO AGENDA CONFERENCE  
HAND DELIVER

RECEIVED-FPSC

Date of Request: 7/17/2006 Date of Agenda Conference: 7/18/2006 Item No. 28

06 JUL 17 PM 3: 51

Docket No.: 050595-WS Brief Title: Application for water and wastewater certificates

Requested by:  Staff  Other Bruce May, counsel for Four Points Utility Corp.  
(Name)

COMMISSION  
CLERK

Please attach a copy of the written documentation filed (IF OTHER)

STAFF's Recommendation to Executive Suite (IF OTHER)  Approve Request  Deny Request

**ACTION REQUESTED [see APM 2.11]**

- Defer Item to Agenda Scheduled Date: 8/15/2006
- Change Order of Item or Take Up at Time Certain
- Withdraw Item (not expected to return to Agenda)
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.
- Add Item to Published Agenda [see Section 120.525(2), F.S.] – Issue an ADDENDUM and give Legal NOTICE CMP \_\_\_\_\_
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] – Issue an ADDENDUM and Give Fair NOTICE COM \_\_\_\_\_

Concise explanation, justification or comments (attach additional sheet if necessary):

As counsel for Four Points Utility Corp. (Four Points or utility), Mr. May had planned to make an appearance and address the Commission on this item at the 7/18/06 agenda conference. However, there was an unexpected death in Mr. May's family on Saturday, and he has had to leave town for the funeral. Consequently, he will not be able to participate at the 7/18/06 agenda conference and requests that the item be deferred to the next available agenda conference. Mr. May represents that he will file a letter in the docket file stating that Four Points will agree that any monies the Commission may set subject to refund at the August 15 agenda will be retroactive to 7/18/06. (continued on attached sheet)

CTR \_\_\_\_\_  
EGR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_

Signature (Technical Staff): Patricia Daniel

Initials (Division Director or Designee): OTW, HW, RT

Signature (Legal Staff): Bruce May

Initials (General Counsel or Designee): MJE

**EXECUTIVE DIRECTOR:**

Recommendation to the Chairman's Office  Approve Request  Deny Request

Initials: MAB Date: 7/17/06

Comments: Recommend approval of deferral request with caveat that Commissioners will hear from any customers who attend the conference tomorrow.

**CHAIRMAN'S OFFICE:**

Approve Request  Deny Request

Initials: PE / Pch Date: 7/17/06

Executive Suite will send the original to the Division of Commission Clerk & Administrative Services and return copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.

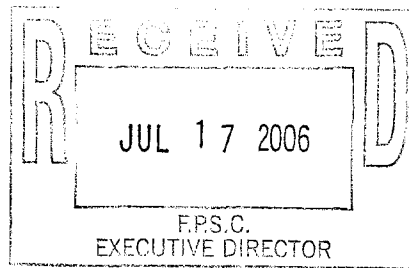
DOCUMENT NUMBER-DATE

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July 17, 2006

## VIA HAND DELIVERY

Dr. Mary Andrews Bane  
Executive Director  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0810

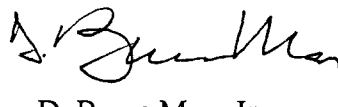
Re: *In re: Application for certificates to provide water and wastewater service in Polk County by Four Points Utility Corporation, Docket No. 050595-WS*  
Item No. 28, July 18, 2006 Agenda Conference

Dear Dr. Bane:

On Friday, July 14, 2006, our law firm was retained by Four Points Utility Corporation ("Utility") to represent it in the above-referenced docket. As counsel for the Utility, I had planned to make an appearance and address the Commission on Item No. 28 at the July 18, 2006, Agenda Conference. However, there was an unexpected death in my family on Saturday, and I am having take my family to Asheville, North Carolina today for the funeral. As a consequence, I will not be able to participate at the Agenda Conference on Tuesday. Thus, I am respectfully requesting that Item No. 28 be deferred to the next available Agenda Conference. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP



D. Bruce May, Jr.

DBM:kjg

cc: Chairman Lisa Polak Edgar  
Parties of Record  
Rosanne Gervasi

Further, Mr. May will represent in the letter that the utility will not disconnect service for failure to pay contested bills for any utility service subject to the Commission's jurisdiction while the Commission is investigating these matters.

Finally, staff has been attempting to contact all interested persons to advise of this deferral request. There are a number of interested persons in this docket who have received a copy of the recommendation and there may be customers in transit to Tallahassee who may wish to address the Commission on this item at tomorrow's agenda conference. Due to the lateness of the deferral request, staff may be unable to contact all interested persons in time to advise them not to attend the agenda in the event the deferral request is granted. Should the item be deferred, the utility understands that the Commission may wish to hear from any customers whom we are unable to contact and who may wish to participate on this item tomorrow with the understanding that a decision on the item would be deferred to the next agenda.

For the foregoing reasons, staff supports the deferral request.