

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in wastewater rates in Monroe County by K W Resort Utilities Corp.

DOCKET NO. 070293-SU
ORDER NO. PSC-08-0241-PCO-SU
ISSUED: April 15, 2008

ORDER GRANTING MOTION TO
RE-ESTABLISH HEARING DATES AND CONTROLLING DATES
AND
FIFTH ORDER REVISING ORDER ESTABLISHING PROCEDURE

BY THE COMMISSION:

By Order No. PSC-07-0729-PCO-SU, issued September 11, 2007, the Commission established the procedure to be followed in this case. By Order No. PSC-08-0032-PCO-SU, issued January 8, 2008, K W Resort Utilities Corp.'s (utility) request for a continuance of at least 60 days was granted. Pursuant to that Order, the utility was required to file a status report within 30 days of the date of the Order.

The utility timely filed its status report on February 6, 2008, and requested that it be given 60 days from the date of its first status report to file a second status report. This request was granted by Order No. PSC-08-0129-PCO-SU, and this matter remained in continuance pending the utility's filing of a second status report on April 7, 2008

In this second status report, the utility requested the Commission to re-establish the hearing dates and other controlling dates so as to allow sufficient time for the parties to complete the discovery and appropriate rebuttal testimony. As justification for this request, the utility states that negotiations are not far enough along and resolution sufficiently imminent to warrant a request for further continuance. The Office of Public Counsel states that it agrees with this request.

Based on the above, this matter has been reset for hearing on October 1 and 2, 2008. The new controlling dates shall be as follows:

- | | |
|------------------------------------|-----------------------|
| 1) Rebuttal Testimony and Exhibits | August 28, 2008 |
| 2) Prehearing Statements | September 4, 2008 |
| 3) Prehearing Conference | September 15, 2008 |
| 4) Discovery Deadline | September 24, 2008 |
| 5) Hearing | October 1 and 2, 2008 |
| 6) Briefs | October 27, 2008 |

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by Commission Nancy Argenziano, as Prehearing Officer that K W Resort Utilities Corp.'s request that hearing dates and controlling dates be re-established in this matter is granted. It is further

ORDERED that the controlling dates shall be as set forth in the body of the Order. It is further

ORDERED that all other aspects of Order No. PSC-07-0729-PCO-SU are hereby reaffirmed.

By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this 15th day of April, 2008.



NANCY ARGENZIANO
Commissioner and Prehearing Officer

(S E A L)

RRJ

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 25-22.060, 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.