

Ruth Nettles

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Sent: Friday, December 12, 2008 8:49 AM
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Cc: Bronwyn Revell
Subject: Filing in Docket No. 080272-WS; Sun River Utilities, Inc. application for W & WW in Charlotte & DeSoto Counties
Importance: High
Attachments: Request for Continued Abatement.pdf

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- b. Docket No. 080272-WS; Sun River Utilities, Inc.'s Application for Certificates to Water and Wastewater Service in Charlotte County and DeSoto Counties
- c. Sun River Utilities, Inc.
- d. 4 pages
- e. Request for Continued Abatement

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12/12/2008

DOCUMENT NUMBER-DATE
11480 DEC 12 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for certificates to
Water and wastewater service in Charlotte
and DeSoto Counties by Sun River
Utilities, Inc.

Docket No. 080272-WS

REQUEST FOR CONTINUED ABATEMENT

Applicant, SUN RIVER UTILITIES, INC. ("Sun River"), by and through its undersigned attorneys and pursuant to Rule 29-106-204, F.A.C., moves this Commission for an Order extending the abatement of the proceedings in the instant matter, including all filing requirements, and, in support thereof, states:

1. This docket is currently under Commission-granted abatement (see Order PSC-08-0678-PCO-WS) which has assisted, in no insignificant part, in Movants proceeding toward a settlement of Charlotte County's objection to Sun River's original certificate application filed in this Docket. The purpose of this Request is to request an extension of the abatement until February 9, 2009, at which time the Movants will advise the Commission and its staff of the status of the settlement.

2. The background of this matter is adequately set forth in Order PSC-08-0678-PCO-WS. Currently, the transaction is in the due diligence phase, and FGUA and Aloha are directing their efforts to the successful completion of the transaction. In addition to due diligence, the transaction is being financed in a challenging economic atmosphere.

3. In order to enter into a settlement agreement between the Movants, it is necessary to both amend the DeSoto County settlement with Sun River, and finalize a separate agreement between Sun River and the Peace River/Manasota Regional Water Supply Authority (“Authority”). Moreover, all documents are also subject to the approval by the respective boards of Charlotte and DeSoto Counties and the Authority. Currently, the Movants are working diligently with DeSoto County and the Authority to complete this process.

4. The expiration of the abatement occurs on December 13, 2008. If the abatement is allowed to expire, it will be incumbent upon Movants to resume certain litigation activities in Docket No. 080272-WS. It is in the public interest to further abate these proceedings so that the parties may direct their resources toward finalizing the settlement instead of perpetuating the litigation.

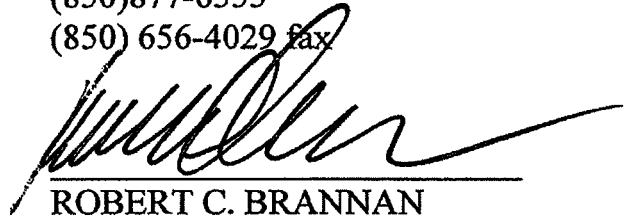
4. Sun River and Charlotte County are diligently working together to accomplish a settlement as quickly as possible and currently anticipate a being able to circulate drafts of the necessary documents during the week of January 6, 2009. Abatement of this docket, and all activities therein in their entirety, will assist the parties in their efforts to finalize the settlement as quickly as possible.

5. Pursuant to Rule 28-106.204(3), F.A.C., the undersigned has consulted with the attorney for Charlotte County who concurs with this Motion.

WHEREFORE, Applicant, SUN RIVER UTILITIES, INC., respectfully requests that the Commission issue an Order further abating these proceedings until February 9, 2009.

Respectfully submitted this 12th day of December, 2008, by

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A handwritten signature in black ink, appearing to read 'R. Brannan', is written over a horizontal line.

ROBERT C. BRANNAN
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic and U.S. Mail* to the following this 12th day of December, 2008:

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