

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of K W Resort Utilities Corp.
against Monroe County, Florida for alleged
entitlement to collect certain capacity
reservation fees for excess capacity used.

DOCKET NO. 130086-SU
ORDER NO. PSC-13-0418-PCO-SU
ISSUED: September 10, 2013

ORDER GRANTING MONROE COUNTY'S
FOURTH UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO
KW RESORT UTILITIES CORPORATION'S COMPLAINT

KW Resort Utilities Corporation's (KWRU) initiated this docket by filing its complaint against Monroe County, Florida (County) with the Commission on April 18, 2013. On May 8, 2013, the County filed an Unopposed Motion for the Extension of Time to Respond to KWRU's Complaint which was granted via Order No. PSC-13-0221-PCO-SU. That order granted the County an extension of time in the amount of 15 days (up to and including June 6, 2013) to file pleadings responsive to the complaint.

On June 3, 2013, the County filed its Second Unopposed Motion for the Extension of Time to Respond to KWRU's Complaint (Motion). In its Motion the County specified that the parties are actively pursuing settlement negotiations that have the potential to resolve all issues raised in KWRU's complaint and thereby avoid the need for the County to file pleadings responsive to the complaint. The County was granted the extension of time, via Order No. PSC-13-0255-PCO-SU on June 7, 2013, in the amount of 30 days (up to and including July 8, 2013), to file pleadings responsive to the complaint.

On July 3, 2013, the County filed its Third Unopposed Motion for Extension of Time to Respond to KWRU's Complaint (Third Motion). The Third Motion specified that the County and KWRU had agreed to the conceptual terms of a settlement that would resolve all issues raised in KWRU's Complaint. The Third Motion further asserted that additional time was necessary to encourage the settlement process and to ensure that the settlement agreement could be reviewed and approved by KWRU's board and the County Commission. The County was granted an additional extension of time of 60 days (up to and including September 6, 2013) in Order No. PSC-13-0310-PCO-SU issued July 10, 2013, to allow the County file pleadings responsive to the Complaint and to work towards finalizing the settlement.

On September 4, 2013, the County filed its Fourth Unopposed Motion for Extension of Time to Respond to KWRU's Complaint (Fourth Motion). The Fourth Motion reiterated that the County and KWRU had agreed to the conceptual terms of a settlement that will resolve all issues raised in KWRU's Complaint and thus avoid the need for the County to file pleadings responsive to the Complaint. The Fourth Motion further specified that the County and KWRU are in the process of finalizing a settlement agreement which will then be subject to approval by KWRU's board and the County Commission. The County requested an additional extension of time of 90 days (up to and including December 5, 2013) to finalize the settlement.

In consideration of the above and to facilitate the parties' settlement negotiations, the County's Fourth Motion shall be granted. Thus, the County shall be granted an extension of time in the amount of 90 days (up to and including December 5, 2013) to file pleadings responsive to the complaint.

Based upon the foregoing, it is

ORDERED by Commissioner Art Graham as Prehearing Officer, that Monroe County's Fourth Unopposed Motion for Extension of Time to Respond the KW Resort Utilities Corporation's Complaint is hereby granted as set forth in the body of this Order. It is further

ORDERED that Monroe County shall notify the Commission of the status of their negotiations no later than December 5, 2013.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 10th day of September, 2013.



ART GRAHAM
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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.