

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for increase in wastewater )  
rates in Charlotte County by Utilities, Inc. )  
of Sandalhaven. )

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Docket No. 150102-SU

Filed: March 21, 2016

**JOINT MOTION REQUESTING COMMISSION APPROVAL OF  
STIPULATION AND SETTLEMENT AGREEMENT**

Utilities, Inc. of Florida as successor to Utilities, Inc. of Sandalhaven (“Sandalhaven” or “Utility”), and the Office of Public Counsel (“OPC”) file this Joint Motion requesting the Florida Public Service Commission (“Commission”) approve the attached Stipulation and Settlement Agreement. In support of this Joint Motion, Sandalhaven and OPC state:

1. Sandalhaven and OPC have entered into a Stipulation and Settlement Agreement resolving OPC’s Petition protesting portions of the proposed agency action and request for a formal administrative hearing and Sandalhaven’s Cross-Petition concerning Proposed Agency Action (PAA) Order No. PSC-16-0013-PAA-SU, issued January 6, 2016 (“PAA Order”). A copy of the Stipulation and Settlement Agreement is attached hereto as Exhibit “A”.

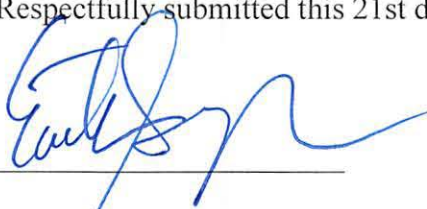
2. Sandalhaven and OPC have entered into the Stipulation and Settlement Agreement to avoid the time, expense and uncertainty associated with adversarial litigation, in keeping with the Commission’s long-standing policy and practice of encouraging parties in protested proceedings to settle issues whenever possible. For these reasons, Sandalhaven and OPC request the Commission to expeditiously issue a final order approving the Stipulation and Settlement Agreement without modification and close Docket No. 150102-SU.

3. Pending Commission consideration of the Stipulation and Settlement Agreement, Sandalhaven and OPC request the Commission to suspend and abate all discovery, decisions on

other pending motions, and all events currently scheduled in the CASR for this Docket until such time as the Commission acts on this Joint Motion.

WHEREFORE, Sandalhaven and OPC respectfully request the Commission to approve without modification the attached Stipulation and Settlement Agreement and to suspend discovery and other events scheduled in this proceeding until a final order is issued closing this docket.

Respectfully submitted this 21st day of March, 2016.



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Attorney for Utilities, Inc. of Florida

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 150102-SU**

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Motion Requesting Commission Approval of Stipulation and Settlement Agreement has been furnished by electronic Mail to the following parties on this 21st day of March, 2016.

Suzanne Brownless, Esquire  
Jennifer Crawford, Esquire  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
[sbrownle@psc.state.fl.us](mailto:sbrownle@psc.state.fl.us)  
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Office of Public Counsel  
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111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400  
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*Martin S. Friedman*

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Martin S. Friedman  
Attorney for Utilities, Inc. of Florida

Exhibit "A"

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for increase in wastewater )  
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Docket No. 150102-SU

Filed: March 21, 2016

**STIPULATION AND SETTLEMENT AGREEMENT**

THIS STIPULATION AND SETTLEMENT AGREEMENT is made and entered into this 21st day of March, 2016, by and between Utilities, Inc. of Florida as successor to Utilities, Inc. of Sandalhaven (Sandalhaven or Utility), and the Office of Public Counsel on behalf of the customers of Sandalhaven (OPC).

**WITNESSETH**

WHEREAS, the Florida Public Service Commission (Commission) issued Proposed Agency Action (PAA) Order No. PSC-16-0013-PAA-SU, in this docket on January 6, 2016 (PAA Order); and

WHEREAS, on January 27, 2016, OPC timely filed a Petition protesting portions of the proposed agency action and request for formal administrative hearing (Petition); and

WHEREAS, on February 4, 2016, Sandalhaven timely filed a Cross-Petition for a formal administrative hearing and protesting specific issues in the PAA Order (Cross-Petition); and

WHEREAS Sandalhaven has indicated – and OPC acknowledges this indication – that Utilities, Inc. of Florida (UIF) intends to file a rate case for its consolidated systems (including Sandalhaven) by October 2016; and

WHEREAS, in order to avoid the time, expense and uncertainty associated with adversarial litigation, and in keeping with the Commission’s long-standing policy and practice of encouraging parties in contested proceedings to settle issues whenever possible, Sandalhaven and OPC hereby enter into this Agreement to settle this case in accordance with the terms and conditions contained herein.

Exhibit "A"

NOW, THEREFORE, for and in consideration of the mutual covenants set forth below, Sandalhaven and OPC (Parties) agree as follows:

1. The Parties agree to the overall revenue requirement in the PAA Order. It is the intent of the Parties that the protested issues in the PAA Order shall have no precedential effect or value in any future rate case. It is the intent of the Parties that all issues protested by the Parties in the PAA Order can be raised in a subsequent rate case. The issues protested by the Parties are set forth in their Petition and Cross-Petition for a formal administrative hearing and incorporated herein by reference. Notwithstanding anything herein to the contrary, Sandalhaven shall continue to collect the Allowance for Funds Prudently Invested (AFPI) Charges in effect when the Commission obtained jurisdiction from Charlotte County, in lieu of the AFPI Charges set forth in the PAA Order, and Sandalhaven agrees not to seek an increase based upon the 2016 Price Index.

2. The Parties agree UIF will be entitled only to rate case expense approved in the PAA Order. UIF agrees it will not seek to recover any additional rate case expense incurred as a result of the OPC and UIF Protests of the PAA Order in this proceeding or any other future rate case.

3. The Parties agree that all issues decided by the PAA Order, except those preserved subject to the terms of this Stipulation and Settlement Agreement, shall become final upon the Commission's acceptance and approval of this Stipulation and Settlement Agreement without modification.

4. If this Stipulation and Settlement Agreement is not accepted and approved without modification by the Commission, then this Stipulation and Settlement Agreement is rejected and shall be considered null and void and neither Party may use the attempted agreement in this or any other proceeding.

5. The Parties expressly agree that all activity relating to this docket should be suspended and abated until the Commission disposes of the Joint Motion Requesting Commission Approval of this Stipulation and Settlement Agreement.

Exhibit "A"

6. This Stipulation and Settlement Agreement will become effective on the date the Commission enters a final order approving the agreement in total. Upon the Commission issuing a final order approving this Stipulation and Settlement Agreement, OPC's Petition and Sandalhaven's Cross-Petition, and Sandalhaven's Motion for partial final summary order and OPC's Response to that Motion, shall be deemed moot in accordance with the terms of this Stipulation and Settlement Agreement.

7. The Parties have evidenced their acceptance and agreement with the provisions of this Stipulation and Settlement Agreement by their signatures, and personally represent that they have authority to execute this Stipulation and Settlement Agreement on behalf of their respective Parties.

8. The Parties each agree that the Stipulation and Settlement Agreement is in the best interest of Sandalhaven's customers and is in the public interest.

**OFFICE OF PUBLIC COUNSEL**

By:  \_\_\_\_\_

Erik L. Saylor  
Associate Public Counsel  
On behalf of the Customers of  
Utilities, Inc. of Florida

**UTILITIES, INC. OF FLORIDA**

By: *Martin S. Friedman* \_\_\_\_\_

Martin S. Friedman  
Attorney for Utilities, Inc. of Florida