

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by FLORIDA DEPART-)	DOCKET NO. 890355-WU
MENT OF NATURAL RESOURCES against)	ORDER NO. 21738
ST. GEORGE ISLAND UTILITY CO., LTD.,)	ISSUED 8-17-89
in Franklin County regarding refund)	
for water meter hookups)	
)	
)	

ORDER GRANTING ABATEMENT

BY THE COMMISSION:

On March 10, 1989, the Florida Department of Natural Resources, ("DNR"), filed a complaint against the St. George Island Utility Company, Ltd., ("SGI"). The Complaint alleges that SGI, in a contract with DNR, agreed to reimburse DNR for monies advanced to extend a water main to the state park on the island. This contract was filed with this Commission and administratively approved as a developer's agreement. The Complaint further alleges that SGI's failure to reimburse these advances amounts to a double recovery for the expense of extending the water main. On June 26, 1989, by Order No. 21451, we denied SGI's motion to dismiss DNR's complaint. SGI has not filed a response to the complaint and the time for doing so has passed.

On August 9, 1989, DNR filed a Motion to Abate. The motion asks this Commission to abate this action pending the request of either of the parties or the Commission's further notice to the parties. The basis for the request is that good faith negotiations between the parties have produced a tentative settlement of the issues addressed in the complaint. The motion states that the settlement, if consummated, will result in the then immediate voluntary dismissal of this action and that abatement will facilitate settlement of this action without a hearing. The motion further states that SGI does not object to abatement and that the parties expect consummation of the settlement within the next 120 days.

In consideration of the foregoing, we find it appropriate to abate this action until further notice to the parties.

WHEREFORE, in consideration of the foregoing, it is

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08364 AUG 17 1989

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ORDERED by Commissioner John T. Herndon, as Prehearing Officer, that the action instituted in Docket No. 890355-WU is abated until further notice.

By ORDER of Commissioner John T. Herndon, as Prehearing Officer, this 17th day of AUGUST
, 1989.

John T. Herndon
JOHN T. HERNDON, Commissioner
and Prehearing Officer

(S E A L)

DAS (01611)