

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificates to provide water and wastewater service in Charlotte and DeSoto Counties by Sun River Utilities, Inc. | DOCKET NO. 080272-WS
ORDER NO. PSC-08-0678-PCO-WS
ISSUED: October 13, 2008

ORDER ABATING PROCEEDINGS AND CONTINUING ALL SCHEDULED ACTIONS
SET FORTH IN ORDER NO. PSC-08-0558-PCO-WS

On May 13, 2008, Sun River Utilities, Inc. ("Sun River") filed an application for original water and wastewater certificates. On June 10, 2008, DeSoto County timely filed an objection to the application and requested a hearing. On June 12, 2008, Charlotte County timely filed an objection to the application and requested a hearing. Accordingly, this matter was scheduled for a full evidentiary hearing on April 14 - 15, 2009, and Order No. PSC-08-0558-PCO-WS, establishing procedure in this case, was issued on August 27, 2008. Subsequently, DeSoto County entered into a settlement (stipulation and agreement) with Sun River and on September 19, 2008, voluntarily dismissed its objection. Pursuant to the order establishing procedure, Sun River's testimony and exhibits is due to be filed on October 13, 2006.

After consulting with Charlotte County which concurs with this motion, on October 6, 2008, Sun River filed its Motion for Abatement of the proceedings in order to facilitate a settlement agreement between Sun River and Charlotte County. Sun River's unopposed Motion stated that Sun River and Charlotte County met on October 2, 2008, to discuss the possibility of settlement with DeSoto County and the Peace River/Manasota Regional Water Supply Authority facilitating the settlement negotiations. At this meeting, the parties reached an agreement which included Charlotte County withdrawing its objection to Sun River's application, subject to the approval by the boards of Charlotte County, DeSoto County, and the Peace River/Manasota Regional Water Supply Authority. The parties advise that a draft of the settlement will be circulated during the week of October 6, 2008. In addition, it is in the best interest of the parties and the Commission to abate these proceeding so that the parties may direct resources to finalizing the settlement instead of perpetuating the litigation.

Upon review of this Motion for Abatement and having been fully advised concerning this matter, I find it appropriate to grant the Motion. This proceeding shall be abated for a period of sixty (60) days and all scheduled actions set forth in Order No. PSC-08-0558-PCO-WS shall be continued for that period as this matter is settled. In the event the parties advise that they have been unable to reach an agreement, an order revising Order No. PSC-08-0558-PCO-WS will be issued.

Based on the foregoing, it is

ORDERED by Commissioner Nancy Argenziano, as Prehearing Officer, that Sun River Utilities, Inc.'s, unopposed Motion for Abatement is granted. It is further

DOCUMENT NUMBER-DATE

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ORDERED that this proceeding shall be abated for a period of sixty (60) days and all scheduled actions set forth in Order No. PSC-08-0558-PCO-WS shall be continued for that period as this matter is settled. In the event the parties advise that they have been unable to reach an agreement, an order revising Order No. PSC-08-0558-PCO-WS will be issued.

By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this 13th day of October, 2008.



NANCY ARGENZIANO
Commissioner and Prehearing Officer

(SEAL)

CMK/ELS

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.