

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-09-0117-PCO-WS  
ISSUED: February 26, 2009

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

BY THE COMMISSION:

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 with Sun River, and on September 12, 2008, DeSoto County voluntarily dismissed its objection. Pursuant to the order establishing procedure, Sun River's testimony and exhibits were due to be filed on October 13, 2008.

On October 6, 2008, Sun River filed its first unopposed Motion for Abatement of the proceedings in order to facilitate a settlement agreement between Sun River and Charlotte County. The Motion for Abatement of the proceedings was granted by Order No. PSC-08-0678-PCO-WS, issued on October 13, 2008.

On December 12, 2008, Sun River, with the concurrence of Charlotte County, filed its Second Motion for Abatement of proceedings. The parties requested an abatement of this docket until February 9, 2009, stating that it would assist the parties in their efforts to finalize the settlement. The Second Motion for Abatement was granted by Order No. PSC-08-0819-PCO-WS, issued on December 19, 2008.

On February 18, 2009, Sun River, with the concurrence of Charlotte County, filed a Third Motion for Abatement of proceedings. The parties advise that they have arrived at a substantial agreement and are currently circulating drafts memorializing the agreement. The parties advise that an 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. As such, the parties request an extension of the abatement until April 20, 2009, at which time Sun River will advise the Commission and its staff of the status of the settlement.

Upon review of this Third Motion for Abatement, and having been fully advised concerning this matter, I find it appropriate to grant the Motion. This proceeding shall be abated until April 20, 2009, and all scheduled actions set forth in Order No. PSC-08-0558-PCO-WS

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shall be continued for that period as this matter is being 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 Third Motion for Abatement is granted. It is further

ORDERED that this proceeding shall be abated until April 20, 2009, and all scheduled actions set forth in Order No. PSC-08-0558-PCO-WS shall be continued for that period as this matter is being 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 26th day of February, 2009.



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NANCY ARGENZIANO  
Commissioner and Prehearing Officer

( S E A L )

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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.