

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system and request for initial rates and charges in Indian River, Okeechobee and St. Lucie counties by Grove Land Utilities, LLC.

DOCKET NO. 090445-WS

In re: Application for original certificates for proposed water and wastewater system and request for initial rates and charges in Martin and St. Lucie Counties by Bluefield Utilities, LLC.

DOCKET NO. 090459-WS
ORDER NO. PSC-12-0083-PCO-WS
ISSUED: February 24, 2012

ORDER RESCINDING ORDER CONSOLIDATING DOCKETS

I. Background

A. Docket No. 090445-WS

On September 11, 2009, Grove Land Utilities, LLC (Grove Land) filed its Application for Original Certificates for Proposed Water and Wastewater Utility Systems and Request for Initial Rates and Charges (Grove Land Application). The applicant is an LLC and is wholly owned by Evans Utilities Company, Inc.

On October 7, 2009, both St. Lucie County (St. Lucie) and Indian River County (Indian River) timely filed their objections to the Grove Land Application. Two days after the above-noted objections were filed, Fort Pierce Utilities Authority (FPUA) timely filed its objection to the Grove Land Application. Finally, on October 13, 2009, the Commission received the timely Petition of Okeechobee Utility Authority (OUA) for Leave to Intervene and Objection to the Application.

However, on March 26, 2010, Indian River withdrew its objection in this docket pursuant to a settlement agreement reached between Indian River and Grove Land. Also, on April 8, 2010, FPUA withdrew its objection. On October 18, 2010, OUA withdrew its petition to intervene and object to the application. Finally, on January 13, 2012, pursuant to a settlement agreement filed with the Commission on January 4, 2012, St. Lucie withdrew its objection to Grove Land's application. With this withdrawal there are no longer any objections to the Grove Land Application.

DOCUMENT NUMBER - DATE

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B. Docket No. 090459-WS

On September 25, 2009, Bluefield Utilities, LLC (Bluefield) filed its Application for Original Certificates for Proposed Water and Wastewater Utility Systems and Request for Initial Rates and Charges in Martin and St. Lucie Counties (Bluefield Application). The applicant is an LLC and is also wholly owned by Evans Utilities Company, Inc.

On October 7, 2009, St. Lucie filed its timely objection to the Bluefield Application. In its objection, it raised the same objections and issues that it had identified in its objection to the Grove Land Application. One week later, on October 14, 2009, FPUA filed its timely objection to the Bluefield Application. Finally, on October 22, 2009, both the City of Port St. Lucie (City) and the Board of County Commissioners of Martin County (Martin County)¹ timely filed their objections to the Bluefield Application.

However, on April 5, 2010, the City withdrew its protest of the Bluefield Application. Also, on April 8, 2010, FPUA withdrew its protest.

C. Consolidation

As of October 25, 2010, St Lucie County was the only protestor in the Grove Land docket, and St. Lucie County and Martin County were the only remaining protestors in the Bluefield docket. Determining that there was congruence between the issues and parties, the Prehearing Officer, by Order No. PSC-10-0637-PCO-WS, fully consolidated Docket Nos. 090445-WS and 090459-WS, and required all filings thereafter to be filed in Docket No. 090459-WS. However, with the withdrawal of St. Lucie County's protest to the Grove Land Application, there is no longer any protest to the Grove Land Application, and it appears there is no longer a need for a hearing in Docket No. 090445-WS.

Noting that there was no longer any protest in Docket No. 090445-WS, on January 4, 2012, Grove Land filed its Motion to Rescind Order Consolidating Dockets; Motion for Acknowledgement of Settlement Agreement; and Motion for Issuance of Certificates to Grove Land Utilities, LLC. This Order addresses Grove Land's Motion to Rescind Order Consolidating Dockets. The Commission has jurisdiction pursuant to Section 367.045, Florida Statutes.

II. Rescission of Order No. PSC-10-0637-PCO-WS, Order Consolidating Dockets

Because there is no longer a protest to the Grove Land Application in Docket No. 090445-WS, there is no longer a need to schedule this application for hearing. However, it appears that Martin County has not as of this time withdrawn its protest in Docket No. 090459-WS, the Bluefield Application. Therefore, it appears that these two dockets are on divergent paths, and should no longer be consolidated. Based on all the above, Order No. PSC-10-0637-

¹ Martin County did not object to the Grove Land Application.


PCO-WS is hereby rescinded, and, from this time on, all filings shall be made in their respective dockets.

In consideration of the above, it is

ORDERED by Chairman Ronald A. Brisé, as Presiding Officer, that Order No. PSC-10-0637-PCO-WS, the Order Consolidating Dockets, is hereby rescinded. It is further

ORDERED that from this time on, all filings shall be made in their respective dockets.

By ORDER of Chairman Ronald A. Brisé, as Chairman and Presiding Officer, this 24th day of February, 2012.



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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.

RRJ

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.