

STATE OF FLORIDA

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DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(850) 413-6199

**Public Service Commission**

January 16, 2001

Katherine G. W. Cowdery, Esquire  
Ruden, McClosky, Smith, Schuster & Russell, P.A.  
215 South Monroe Street  
Tallahassee, Florida 32301

Re: Docket No. 000079-SU - Complaint by Sunset Ventures of Key West, Inc.  
against K W Resort Utilities Corp. for discontinuance of service in violation  
of service availability agreement in Monroe County.

Dear Ms. Cowdery:

As you are aware, staff has scheduled an informal meeting on Monday, January 29, 2001 at 10:00 a.m. to address the subject of mediation. We believe that there is a strong possibility that this matter may be resolved through mediation, which is a less costly alternative to a Section 120.57, Florida Statutes, hearing. We encourage you to consider mediation and to raise any questions or concerns you may have with regards to mediation at the meeting.

Pursuant to Section 120.573, Florida Statutes, state agencies have been charged with the responsibility of promoting mediation of administrative disputes consistent with the provisions contained therein. Mediation is an informal dispute resolution process in which a neutral third party, the mediator, helps the disputing parties reach an agreement upon the disputed matter. The mediator has no power to impose a decision on the parties. Mediation is a desirable alternative to an administrative hearing in that it can be less expensive, less time-consuming, and allows the parties themselves to negotiate settlement of disputed issues.

If the parties agree to proceed to mediation, staff will draft and submit for your approval an agreement to mediate. The agreement will include provisions for mediator selection, the allocation of any costs and fees associated with the mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation, as well as the participation by staff in the mediation process. Pursuant to Section 120.573, Florida Statutes, the mediation will conclude within 60 days of the agreement unless otherwise agreed upon by the parties. If mediation results in settlement of the administrative dispute, staff will present the settlement to the Commission for consideration and will recommend appropriate action consistent with the agreement to mediate. If mediation terminates without settlement of the dispute, the

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Commission will notify the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, will resume.

If you have any questions, please feel free to contact me at (850) 413-6224. Thank you for your attention to this matter.

Sincerely,



Rosanne Gervasi, Chief  
Bureau of Water and Wastewater  
Division of Legal Services

DTV/dm

cc: Division of Economic Regulation (Rendell)  
John R. Jenkins, Esquire

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