

STATE OF FLORIDA

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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
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Public Service Commission

August 21, 2001

Kenneth Oertel and
Jeffrey Brown, Esquires
Oertel Law Firm
Post Office Box 1110
Tallahassee, Florida 32302-1110

Re: Docket No. 001660-SU - Application for amendment of Certificate No. 361-S to extend wastewater service area in Highlands County by Highlands Utilities Corporation.

Dear Sirs:

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.

Our staff will soon contact you regarding the scheduling of a meeting to discuss whether this case can be handled through mediation. We encourage you to attend this meeting and to raise any questions or concerns you may have in this regard.

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) 413-6234. Thank you for your attention to this matter.

Sincerely,



Ralph R. Jaeger
Senior Attorney

RRJ/lw

cc: Division of the Commission Clerk and Administrative Services
Division of Regulatory Oversight (Rieger)
Division of Legal Services (Gervasi)

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