

ORIGINAL



JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison St.
Room 812
Tallahassee, Florida 32399-1400
850-488-9330

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DISTRIBUTION CENTER

January 16, 2002

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

Re: Docket No. 010396-WS

Dear Ms. Bayó:

Ms. Lorena Espinoza, Staff Attorney for the above Docket, requested that I send a copy of the enclosed Agreement to you to be placed in the file. The Agreement between Burkim Enterprises, Inc. ("Burkim") and the Office of Public Counsel, on behalf of Burkim's customers, acknowledges Staff's commitment to verify that all of the plant upgrades will be accomplished within the required nine (9) month period, and the procedure Staff will follow in the event all of the upgrades are not accomplished within the required time. Since the Agreement is referenced in Troy Rendell's January 9, 2002 letter to our office, and is referenced in the Consummating Order for Final Order No. PSC-01-2511-PAA-WS, issued in this docket, Ms. Espinoza thought it would be best to have a copy of the Agreement in the official file for Docket No. 010396-WS.

Thank you for your assistance.

Sincerely,

Stephen C. Reilly
Associate Public Counsel

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____ SCR/dsb
OPC _____
MMS _____
SEC cc: Lorena Espinoza, Esquire
OTH _____ Martin S. Friedman, Esquire

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

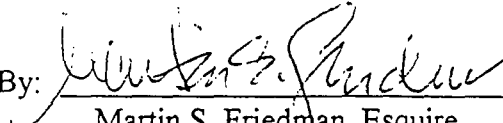
AGREEMENT

The following Parties, Burkim Enterprises, Inc., ("Utility") and The Office of Public Counsel, ("OPC") hereby stipulate and agree to the following:

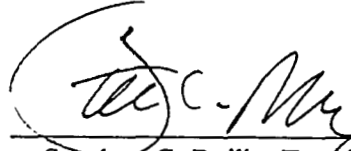
1. Commission Order PSC-01-2511-PAA-WS orders that the Utility shall complete all pro forma additions, as set forth in the body of the Order within nine months of the effective day of the Order.
2. To enforce this requirement of the Order, Staff shall inspect the Utility's plant at the conclusion of the nine (9) month period to verify that all of the plant upgrades have been accomplished. If for any reason all of the improvements have not been made, the above Parties acknowledge that Staff shall initiate a show cause proceeding that will require the Utility to show cause why it has not completed all of the plant upgrades. Sanctions available to the Commission in any such show cause proceeding shall include but not be limited to imposing fines upon the Utility and or reducing rates until such time as the upgrades have been accomplished.
3. This Agreement shall be referenced in the Order issued by the Commission Consummating Order PSC-01-2511-PAA-WS.

This Stipulation and Agreement is entered into by the following Parties this 6th day of January, 2002.

BURKIM ENTERPRISES, INC.

By: 
Martin S. Friedman, Esquire
Attorney for Burkim Enterprises, Inc.

OFFICE OF PUBLIC COUNSEL

By:  _____
Stephen C. Reilly, Esquire
Associate Public Counsel