

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

January 25, 2002

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC
02 JAN 25 PM 4:40
COMMISSION
CLERK

Re: Docket No. **991437-WU**

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of the Joint Motion seeking Commission Approval of Settlement Agreement and Continuation of Hearing.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck
Deputy Public Counsel

CJB:bsr

- AUS _____
- CAF _____
- CMP _____ Enclosures
- COM _____
- CTR _____ cc: All parties of record
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

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DOCUMENT NUMBER-DATE
00963 JAN 25 2002
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase)
In water rates in Orange County)
By Wedgefield Utilities, Inc. _____)

Docket no. 991437-WU
Filed January 25, 2002

Joint Motion Seeking Commission Approval of Settlement Agreement and Continuation of Hearing

The Office of Public Counsel (OPC) and Wedgefiled Utilities, Inc. (Wedgefield) file this joint motion requesting the Florida Public Service Commission (Commission) to approve the attached settlement agreement. In support of this joint motion, OPC and Wedgefield show the following:

1. OPC and Wedgefield have entered into a settlement agreement that avoids the time, expense and uncertainty associated with adversarial litigation, in keeping with the Commission's long-standing policy and practice of encouraging parties in contested proceedings to settle issues whenever possible. That settlement agreement is attached to this motion as attachment 1.
2. OPC and Wedgefield believe that the settlement agreement serves the public interest and accordingly request the Commission to expeditiously accept and approve settlement agreement as filed and to close docket no. 991437-WU.
3. Pending Commission consideration of the settlement agreement, Wedgefiled and OPC request the Commission to continue the hearing currently set for January 28 and 29, 2002.

WHEREFORE, OPC and Wedgefiled respectfully request the Commission to approve the attached settlement agreement and to continue the hearings set for January 28 and 29, 2002.

Respectfully submitted,



Ben E. Girtman
1020 East Lafayette St., Suite 207
Tallahassee, Florida 33301-4552

(850) 656-3232

Attorney for Wedgefiled Utilities, Inc.



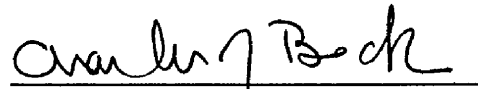
Charles J. Beck
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(850) 488-9330

Attorney for the citizens
of Florida

**DOCKET NO. 991437-WU
CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by
U.S. Mail or hand-delivery to the following parties on this 25th day of January,
2002.



Charles J. Beck

Patricia Cristensen
Division of Legal Services
Fla. Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

991437

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase)
In water rates in Orange County)
By Wedgefield Utilities, Inc.)

Docket no. 991437-WU

Filed January 25, 2002

SETTLEMENT AGREEMENT

Pursuant to Section 120.57(4), Florida Statutes (2001), Wedgefield Utilities, Inc. (Wedgefield) and the Office of the Public Counsel (OPC) (collectively, the parties) enter into this settlement agreement to effect an informal disposition and complete and binding resolution of any and all matters and issues which were or might have been addressed by the Florida Public Service Commission (Commission) in Docket No. 991437-WU. This settlement agreement avoids the time, expense and uncertainty associated with adversarial litigation, in keeping with the Florida Public Service Commission's long-standing policy and practice of encouraging parties in contested proceedings to settle issues whenever possible. The terms of this settlement agreement are as follows:

1. The interim rates set forth in Florida Public Service Commission order no. PSC-00-0010-PCO-WU issued May 8, 2000, shall become permanent.

2. Except for annual indexing and pass-throughs, Wedgefield will not file a petition for any proceeding to increase water rates for a period of three years.

This three year period shall begin on the issuance date of the Commission's final order approving this settlement agreement. A petition may be filed at any time after

the three year period, based upon any otherwise appropriate test year, including a test year partially or fully within the three year period.

3. Wedgefield shall not be required to refund any of the interim revenues collected during the pendency of this proceeding.

4. This settlement agreement will take effect the day after it is approved by the Commission. The parties understand that the Commission's decision will be reflected in a final order.

5. No party to this settlement agreement will request, support or seek to impose a change in the application of any provision of this settlement agreement.

6. Provided the Commission approves the settlement agreement, both parties waive their right to request further administrative or judicial proceedings concerning any and all matters which were or might have been addressed by the Commission in resolving this docket, except proceedings to enforce this Settlement Agreement. This waiver of the right to further administrative or judicial proceedings shall include (but not be limited to): a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code; a motion for reconsideration of the decision in this matter in the form prescribed by Rule 25-22.060, Florida Administrative Code; or a notice of appeal to initiate judicial review by the Florida Supreme Court pursuant to Rule 9.110, Florida Rules of Appellate Procedure, in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

7. This settlement agreement is contingent upon the Florida Public Service Commission's accepting the entire Agreement, which acceptance shall be a complete and binding resolution of any and all matters and issues which were or might have been addressed by the Florida Public Service Commission (Commission) in Docket No. 991437-WU.

8. Docket no. 991437-WU will be closed effective on the date the Commission order approving this settlement agreement is final. The submission of this settlement agreement by the parties is in the nature of an offer to settle. Consequently, if this settlement agreement is not accepted and approved without modification by a Commission order not subject to further proceedings or judicial review, then the settlement proposal is rejected and the settlement agreement shall be considered null and void and of no further force or effect.

9. If the Commission does not accept this document in its entirety pursuant to its terms, this document shall not be admissible in any hearing on the matters established by this docket, or in any other docket or forum. Moreover, no party to this settlement agreement waives any position on any issue raised or on any issue that it could have otherwise asserted in the docket.

The parties evidence their acceptance and agreement with the provisions of this settlement agreement by their signatures:

Office of Public Counsel
 By: Jack Shreve
 Jack Shreve

Wedgfield Utilities, Inc.
 By: Carl J. Wenz
 Carl J. Wenz

Date: 1/25/2002

Date: January 25, 2002