

Ruth Nettles

From: DAVIS.PHYLLIS [DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Tuesday, August 19, 2008 11:10 AM
To: Filings@psc.state.fl.us
Cc: Jean Hartman; REILLY.STEVE
Subject: 070601-WU Filing
Attachments: Joint Motion Requesting Commission Approval of Settlement Agreement.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Stephen C. Reilly, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330
Reilly.steve@leg.state.fl.us

b. Docket No. 070601-WU

In re: Application for staff-assisted rate case in Pasco County by Orangeland Water Supply.

c. Document being filed on behalf of Office of Public Counsel.

d. There are a total of 7 pages.

e. The document attached for electronic filing is **OPC's Joint Motion Requesting Commission Approval of Settlement Agreement**

Thank you for your attention and cooperation to this request.

Phyllis W. Philip-Guide
Secretary to Stephen C. Reilly, Associate Public Counsel.
Office of Public Counsel
Telephone: (850) 488-9330
Fax: (850) 488-4491

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in
Pasco County by Orangeland Water Supply.

Docket No. 070601-WU

**JOINT MOTION REQUESTING COMMISSION APPROVAL OF
SETTLEMENT AGREEMENT**

Orangeland Water Supply ("Orangeland," "Utility" or "Company"), and the Office of Public Counsel ("OPC" or "Citizens") file this Joint Motion requesting the Florida Public Service Commission ("Commission") to approve the attached Settlement Agreement. In support of this Joint Motion, Orangeland and OPC state:

1. Orangeland and OPC have entered into a Settlement Agreement resolving OPC's Petition on Proposed Agency Action Order No. PSC-08-0309-PAA-WU, in accordance with the terms of the Settlement Agreement. A copy of the Settlement Agreement is attached hereto as Exhibit "A".

2. Orangeland and OPC have entered into the Settlement Agreement to avoid the time, expense and uncertainty associated with adversarial litigation, in keeping with the Commission's long-standing policy and practice of encouraging parties in protested proceedings to settle issues whenever possible. For these reasons, Orangeland and OPC request the Commission to expeditiously issue a Final Order approving the Settlement Agreement without modification and close Docket No. 070601-WU.

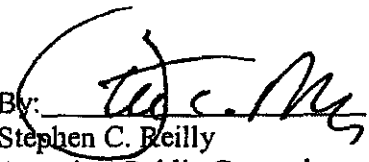
3. Pending Commission consideration of the Settlement Agreement, Orangeland and OPC request the Commission to suspend discovery and all events currently scheduled in the CASR for

DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

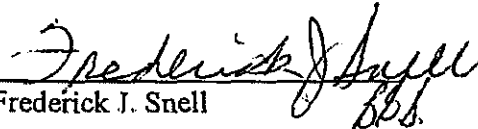
this Docket until such time as the Commission acts on this Motion.

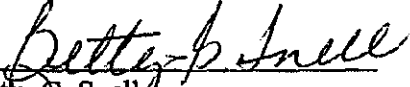
WHEREFORE, Orangeland Water Supply, and office of public counsel respectfully request the Commission to approve without modification the attached Settlement Agreement and to suspend discovery and other events scheduled in this proceeding until a Final Order is issued approving the Settlement Agreement and closing this docket.

Respectfully submitted this 19th day of August, 2008.

By: 
Stephen C. Reilly
Associate Public Counsel
Office of Public Counsel
c/o of The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, Florida 32399-1400
Phone: (850) 488-9330

Attorney for Citizens of the State of Florida

By: 
Frederick J. Snell

By: 
Betty G. Snell
Orangeland Water Supply
2109 Overview Drive
Newport Richey, Florida 34655-4131
Phone: (727) 372-8330
Co-Owners of Orangeland Water Supply

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in
Pasco County by Orangeland Water Supply.

Docket No. 070601-WU

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT is made and entered into this ____ day of August, 2008, by and between Orangeland Water Supply ("Orangeland," "Utility" or "Company"), and the Office of Public Counsel ("OPC" or "Citizens") on behalf of the customers of Orangeland.

WITNESSETH

WHEREAS, the Florida Public Service Commission ("Commission") issued Proposed Agency Action Order No. PSC-08-0309-PAA-WU in this docket on May 13, 2008 ("PAA Order"); and

WHEREAS, in order to avoid the time, expense and uncertainty associated with adversarial litigation, and in keeping with the Commission's long-standing policy and practice of encouraging parties in protested proceedings to settle issues whenever possible, the Citizens and Orangeland hereby enter into this Agreement to settle this case in accordance with the terms and conditions contained herein.

NOW, THEREFORE, for and in consideration of the mutual covenants set forth below, the Citizens and Orangeland agree as follows:

1. The PAA Order shall be amended as follows:

- a. The third paragraph under the heading "REPRESSION ADJUSTMENT," shall be deleted and replaced with the sentence: Orangeland and OPC agree that after application of a stipulated repression adjustment the rates approved by this PAA Order shall be as provided in the Section titled "MONTHLY RATES."
- b. The first paragraph and the first sentence of the second paragraph under the heading "MONTHLY RATES" shall be deleted and replaced with the following sentence: The appropriate post-repression final rates approved by this PAA Order shall be as provided in Schedule No. 4, attached hereto.
- c. Schedule No. 4 shall be deleted and replaced with new schedule No. 4, which has been agreed to by Orangeland and OPC. See Exhibit "A", attached hereto, which provides the new stipulated Schedule No. 4.

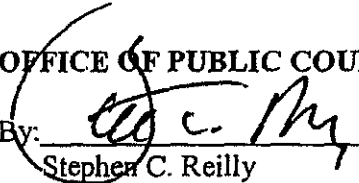
2. The submission of this Settlement Agreement by the Parties is in the nature of an offer to settle. Consequently, if this Settlement Agreement is not accepted and approved without modification by Commission Order, then this Settlement Agreement is rejected and shall be considered null and void and neither Party may use the attempted agreement in this or any other proceeding.

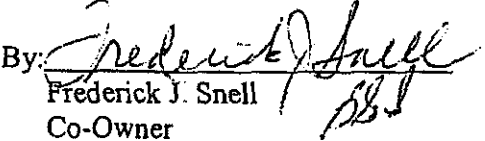
3. Orangeland and the Citizens expressly agree that all activity relating to this docket should be suspended until the Commission disposes of the Joint Motion Requesting Commission Approval of Settlement Agreement.

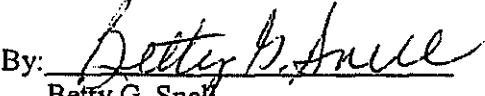
3. Orangeland and the Citizens expressly agree that all activity relating to this docket should be suspended until the Commission disposes of the Joint Motion Requesting Commission Approval of Settlement Agreement.

4. This Settlement Agreement will become effective on the date the Commission enters a final order approving the agreement in total. Upon the Commission issuing a final order approving this Settlement Agreement, the Citizens' Petition on Proposed Agency Action shall be deemed resolved, in accordance with the terms of this Settlement Agreement.

5. The Parties have evidenced their acceptance and agreement with the provisions of this Settlement Agreement by their signatures, and personally represent that they have authority to execute this Settlement Agreement on behalf of their respective Parties

OFFICE OF PUBLIC COUNSEL
By: 
Stephen C. Reilly
Associate Public Counsel
On behalf of the Customers
of Orangeland Water Supply

ORANGELAND WATER SUPPLY
By: 
Frederick J. Snell
Co-Owner

By: 
Betty G. Snell
Co-Owner

ORANGELAND WATER SUPPLY
 TEST YEAR ENDING 6/30/07
 MONTHLY WATER RATES

SCHEDULE NO. 4
 DOCKET NO. 070601-WU

	UTILITY'S EXISTING RATES	STIPULATED RATES	MONTHLY RATE REDUCTION
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Residential and General Service
Base Facility Charge by Meter Size:

5/8"X3/4"	\$5.00 *	\$14.86	\$0.16
3/4"	\$0.00	\$22.29	\$0.24
1"	\$0.00	\$37.15	\$0.40
1-1/2"	\$0.00	\$74.30	\$0.79
2"	\$0.00	\$118.88	\$1.26
3"	\$0.00	\$237.76	\$2.53
4"	\$0.00	\$371.50	\$3.95
6"	\$0.00	\$743.00	\$7.91

* Existing rates included 5,000 gallons in the Base Facility Charge.

Residential and General Service Gallonage Charge

Per 0 - 5,000 gallons	\$0.00	\$2.14	\$0.02
Per 1,000 gallons over 5,000	\$0.25	\$3.16	\$0.03

Typical Residential 5/8" x 3/4" Meter Bill Comparison

3,000 Gallons	\$5.00	\$21.28
5,000 Gallons	\$5.00	\$25.56
10,000 Gallons	\$6.25	\$41.36

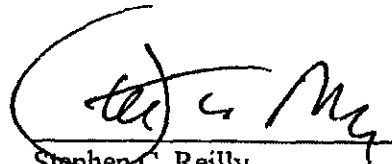
Exhibit "A"

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BGS
SEP

CERTIFICATE OF SERVICE
DOCKET NO. 070601-WU

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Joint Motion Requesting Commission Approval of Settlement Agreement has been furnished by electronic and U.S. Mail to the following parties on this 19th day of August, 2008.

Jean Hartman, Esquire
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850


Stephen C. Reilly
Associate Public Counsel