

Ruth Nettles

From: Trina Collins [TCollins@RSBattorneys.com]
Sent: Wednesday, February 18, 2009 3:58 PM
To: Filings@psc.state.fl.us
Cc: marty.burton@charlottefl.com; gene@penningtonlaw.com; Caroline Klancke; Martin Friedman; Christian W. Marcelli; Trina Collins
Subject: Filing in Docket No.: 080272-WS, Application for certificates to provide water and wastewater service in Charlotte County and DeSoto Counties by Sun River Utilities, Inc.
Importance: High
Attachments: PSC Clerk 02 (file Motion for Continued Abatement).ltr.02-18-2009(4).pdf

- a. Martin S. Friedman, Esq.
Christian W. Marcelli, Esq.
Rose, Sundstrom & Bentley, LLP
Sanlando Center
2180 W. State Road 434, Suite 2118
Longwood, FL 32779
Phone: (407) 830-6331
Fax: (407) 830-8522
Email: mfriedman@rsbattorneys.com
cmarcelli@rsbattorneys.com
- b. Docket No.: 080272-WS; Application for certificates to provide water and wastewater service in Charlotte County and DeSoto Counties by Sun River Utilities, Inc. - Filing Sun River Utilities, Inc.'s Motion for Continued Abatement.
- c. Sun River Utilities, Inc.
- d. 5 Pages.
- e. Letter to Commission Clerk 1 page; Motion for Continued Abatement - 4 pages.

DOCUMENT NUMBER-DATE

01362 FEB 18 09

LAW OFFICES
ROSE, SUNDBSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

FREDERICK L. ASCHAUER, JR.
CHRIS H BENTLEY, P.A.
ROBERT C. BRANNAN
E. MARSHALL DETERDING
JOHN R. JENKINS, P.A.
KYLE L. KEMPER
STEVEN T. MINDLIN, P.A.
CHASITY H. O'STEEN
WILLIAM E. SUNDBSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON
ROBERT M. C. ROSE (1924-2006)

(850) 877-6555
FAX (850) 656-4029
www.rsbatorneys.com

REPLY TO CENTRAL FLORIDA OFFICE

CENTRAL FLORIDA OFFICE
SANLANDO CENTER
2180 W. STATE ROAD 434, SUITE 2118
LONGWOOD, FLORIDA 32779
(407) 830-6331
FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.
BRIAN J. STREET

CHRISTIAN W. MARCELLI, OF COUNSEL
(LICENSED IN NEW YORK ONLY)

February 18, 2009

E-FILING

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

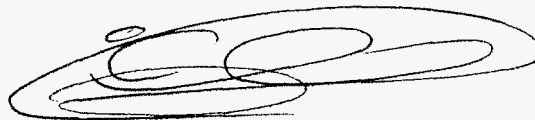
RE: Docket No.: 080272-WS, Application for certificates to provide water and wastewater service in Charlotte County and DeSoto Counties by Sun River Utilities, Inc.
Our File No.: 41069.06

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is Sun River Utilities, Inc.'s Motion for Continued Abatement.

Should you have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,



CHRISTIAN W. MARCELLI
Of Counsel

CWM/tlc
Enclosure

cc: A. A. Reeves, Vice President (w/enclosure) (via U.S. Mail)
Martha Young Burton, Esquire (w/enclosure) (via e-mail and U.S. Mail)
Howard E. Adams, Esquire (w/enclosure) (via e-mail and U.S. Mail)
Caroline Klancke, Esquire (w/enclosure) (via e-mail and U.S. Mail)

M:\1 ALTAMONTE\SUN RIVER UTILITIES (41069)\(06) Recertification at PSC\PSC Clerk 02 (file Motion for Continued Abatement).rtt

DOCUMENT NUMBER-DATE

01362 FEB 18 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificates to
provide waer and wastewater service
in Charlotte and DeSoto Counties by
Sun River Utilities, Inc.

Docket No. 080272-WS

MOTION FOR CONTINUED ABATEMENT

Applicant, SUN RIVER UTILITIES, INC. ("Sun River"), by and through its undersigned attorneys and pursuant to Rule 28-106.204, F.A.C., moves this Commission for an Order extending the abatement of the proceedings in the instant matter, including all filing requirements, and, in support thereof, states:

1. This docket is currently under Commission-granted abatement (see Order No. PSC-08-0678-PCO-WS and Order No. PSC-08-0819-PCO-WS) which has allowed the parties to focus on the settlement process rather than litigation. As a result, significant progress has been made toward a settlement of Charlotte County's objection to Sun River's original certificate application filed in this Docket.

2. The purpose of this Motion is to request an extension of the abatement until April 20, 2009, at which time the Movant will advise the Commission and its staff of the status of the settlement.

3. The background of this matter is adequately set forth in Order No. PSC-08-0678-PCO-WS and Order No. PSC-08-0819-PCO-WS. The parties have arrived at a substantial agreement, and are currently circulating drafts memorializing said agreement.

1

DOCUMENT NUMBER-DATE
01362 FEB 18 8
FPSC-COMMISSION CLERK

4. In order to enter into a settlement agreement between the parties, it is necessary to both amend the DeSoto County settlement with Sun River, and finalize a separate agreement between Sun River and the Peace River/Manasota Regional Water Supply Authority (“Authority”). Moreover, all documents are also subject to the approval by the respective boards of Charlotte and DeSoto Counties and the Authority. The Movant is working diligently with DeSoto County and the Authority to complete this process.

4. The expiration of the previously granted abatement occurred on February 17, 2009. If the abatement is not extended, it will be incumbent upon the parties to resume litigation activities in Docket No. 080272-WS. It is in the public interest to further abate these proceedings so that the parties may direct their resources toward finalizing the settlement instead of perpetuating the litigation.

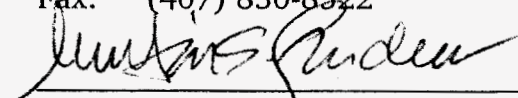
4. Sun River and Charlotte County are diligently working together to accomplish a settlement as quickly as possible and are currently circulating drafts of the necessary documents. Abatement of this docket, and all activities therein in their entirety, will assist the parties in their efforts to finalize the settlement as quickly as possible.

5. Pursuant to Rule 28-106.204(3), F.A.C., the undersigned has consulted with the attorney for Charlotte County who concurs with this Motion.

WHEREFORE, Applicant, SUN RIVER UTILITIES, INC., respectfully requests that the Commission issue an Order further abating these proceedings until April 19, 2009.

Respectfully submitted this 18th day of February, 2008, by

ROSE, SUNDSTROM & BENTLEY, LLP
2180 W. State Road 434, Suite 2118
Longwood, FL 32799
Telephone: (407) 830-6331
Fax: (407) 830-8522



MARTIN S. FRIEDMAN
For the Firm

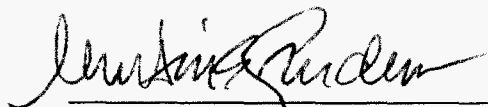
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic and U.S. Mail to the following this 18TH day of February, 2009:

Martha Young Burton, Esquire
c/o Office of the Charlotte County Attorney
18500 Murdock Circle
Port Charlotte, FL 33948-1094

Howard E. Adams, Esquire
John Pelham, Esquire
Pennington Law Firm
P.O. Box 10095
Tallahassee, FL 32302-2095

Caroline Klanke, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



MARTIN S. FRIEDMAN
For the Firm