

Ruth Nettles

From: Marsha Rule [marsha@reuphlaw.com]
Sent: Friday, June 05, 2009 3:21 PM
To: Filings@psc.state.fl.us
Cc: Anna Williams; reilly.steve@leg.state.fl.us; randiedenker@gmail.com; smithlaw@mindspring.com; barmstrong@ngnlaw.com; samuelgilbert@yahoo.com; bsanders@fairpoint.net; director@seafoodtaskforce.org; mshuler@fairpoint.net; r.mcmillan@ieee.org; Roxanne Levingston
Subject: Docket No. 090189-SU
Attachments: WMSI. 2009.06.05. Motion Abeyance.pdf

The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing:

MARSHA E. RULE
Rutledge, Ecenia, Purnell & Hoffman, P. A.
Post Office Box 551
Tallahassee, Florida 32302-0551
(850) 681-6788
marsha@reuphlaw.com

The docket number and title of docket:

Docket No. 090189-SU
In re: Application for Original Certificate for a Proposed Wastewater System and Request for Bifurcation by Water Management Services, Inc.

The name of the party on whose behalf the document is filed:

Water Management Services, Inc.

The total number of pages in the attached document: 5

A brief but complete description of each attached document:

Motion to Hold Proceedings in Abeyance and Toll Deadlines

Marsha E. Rule, Esq.

Rutledge, Ecenia & Purnell, P.A.
>>> Please note our new street address:
>>> 119 South Monroe Street, Suite 202
Tallahassee, Florida 32301
P.O. Box 551
Tallahassee, Florida 32301-0551
marsha@reuphlaw.com
850.681.6788. Phone
850.681.6515 Fax

DOCUMENT NUMBER-DATE

05659 JUN-5 8

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Original
Certificate for a Proposed Wastewater
System and Request for Bifurcation by
Water Management Services, Inc.

Docket No. 090189-SU

Filed: June 5, 2009

**WATER MANAGEMENT SERVICES, INC.'S
MOTION TO HOLD PROCEEDINGS IN ABEYANCE AND TOLL DEADLINES**

Water Management Services, Inc. ("WMSI"), by and through its undersigned counsel, files this Motion to Hold Proceedings in Abeyance, and in support, states as follows:

1. On April 15, 2009, WMSI filed its Application for Wastewater Service and Motion for Variance in this docket. Thereafter, WMSI completed the noticing requirements imposed by Section 367.045, Florida Statutes, and Rule 25-30.030, Florida Administrative Code.

2. On April 27, 2009, the Office of Public Counsel ("OPC") intervened in this docket and filed its Response opposing WMSI's Motion for Variance. A number of citizens wrote letters to the Commission regarding WMSI's Application, and several persons and entities filed formal objections to the Application and Motion for Variance, and/or petitions for hearing. WMSI withdrew its Motion for Variance by Notice dated May 28, 2009.

3. On June 4, 2009, WMSI received a letter from the Franklin County Board of County Commissioners (the "Board") requesting the company to hold its Application in abeyance for a period of six (6) months so that the Board could conduct its own investigation. A copy of the letter is attached hereto. WMSI wishes to cooperate with the Board and therefore, by telephone discussion with the Board's attorney, agreed to file this Motion asking the Commission to hold the proceeding in abeyance through and including December 10, 2009.

4. In compliance with Rule 28-106.204(3), Florida Administrative Code, the undersigned consulted with OPC regarding this Motion, and was advised that OPC does not

DOCUMENT NUMBER-DATE

05659 JUN-5 8

FPSC-COMMISSION CLERK

oppose it. The undersigned also conferred with the following persons listed as parties of record by the Commission Clerk, all of whom stated that they had no objection to this Motion: Walter J. Armistead, Mel Kelly, Barbara Sanders, and Franklin County Oyster & Seafood Task Force, Inc. In addition, counsel conferred with Apalachicola Bay and River Keeper, Inc.'s attorney, Randall Denker, who stated that she would contact her client to determine its position. As of the time of filing this Motion, Ms. Denker has not yet learned the client's position. Counsel also conferred with the President of the St. George Plantation Owners Association, who advised that he was not authorized to state the organization's position, absent a meeting of the Board of Directors. Upon learning that the organization had consulted legal counsel, the undersigned attempted to contact said counsel, who was out of the office for the day. WMSI will promptly advise Commission staff upon receipt of any communication from counsel for either organization.

5. By conferring with persons listed as parties of record in this proceeding, WMSI neither concedes that all such persons have standing as parties to this proceeding nor waives the right to move for dismissal, following the six (6) month abeyance period, of persons who lack standing.

6. Granting this Motion will not prejudice the rights of any party or putative party. There are no hearings or other events currently scheduled in this docket and the 90-day deadline set forth in Section 367.031, Florida Statutes, does not apply because the Commission has received at least one objection to the Application.

WHEREFORE, WMSI respectfully requests that the Commission issue an order holding this proceeding in abeyance and tolling all deadlines, effective as of the date of this Motion and continuing through December 10, 2009.

Respectfully submitted this 5th day of June, 2009.

/s/ Marsha E. Rule

Marsha E. Rule, Esq.
Rutledge, Ecenia & Purnell, P.A.
P. O. Box 551
Tallahassee, Florida 32302
marsha@reuphlaw.com
(850) 681-6788 (Telephone)
(850) 681-6515 (Telecopier)

Attorneys for Water Management
Services, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail and where indicated, by email, to the following persons this 5th day of May, 2009:

Anna Williams, Esq.
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Email: anwillia@psc.state.fl.us

Stephen C. Reilly, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
Email: reilly.steve@leg.state.fl.us

Apalachicola Bay and River Keeper, Inc.
Randall E. Denker
7600 Bradfordville Road
Tallahassee, FL 32309
Email: randiedenker@gmail.com

Apalachicola Bay and River Keeper, Inc.
Andrew Jubal Smith
P.O. Box 8
Apalachicola, FL 32320
Email: smithlaw@mindspring.com

Franklin County Board of Commissioners
Brian P. Armstrong
Nabors Giblin & Nickerson, P.A.
1500 Mahan Dr., Suite 200
Tallahassee, FL 32308
Email: barmstrong@ngnlaw.com

Franklin County Board of Commissioners
c/o Thomas M. Shuler, County Attorney
P.O. Box 850
Apalachicola, FL 32329
Email: mshuler@fairpoint.net

Walter J. Armistead
224 Franklin Boulevard
St. George Island, FL 32328
Email: samuelgilbert@yahoo.com

Barbara Sanders
215 West 12th Street
St. George Island, FL 32328
Email: bsanders@fairpoint.net

Franklin County Oyster & Seafood Task Force,
Inc.
Ottice Amison, President
P.O. Box 404
Apalachicola, FL 32329
Email: director@seafoodtaskforce.org

St. George Plantation Owners Association
Robert W. McMillan
P.O. Box 516
Apalachicola, FL 32329
Email: r.mcmillan@ieee.org

Mel Kelly
P.O. Box 913
Carrabelle, FL 32322

/s/ Marsha E. Rule

Marsha E. Rule

LAW OFFICES
SHULER AND SHULER
34 FOURTH STREET
POST OFFICE DRAWER 850
APALACHICOLA, FLORIDA 32329

J. GORDON SHULER
THOMAS M. SHULER
OF COUNSEL
ALFRED Q. SHULER

TELEPHONE: (850) 653-9226
FACSIMILE: (850) 653-3382

June 3, 2009

Marsha Rule, Esquire
Rutledge, Ecenia & Purnell, P.A.
119 South Monroe Street, Suite 202
Tallahassee, Florida 32303

Re: PSC Docket 090189-SU
Application for Original Certificate for a
Proposed Wastewater System and Request
For Bifurcation by Water Management Services, Inc.

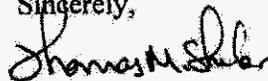
Dear Ms. Rule:

On June 2, 2009, the Franklin County Board of County Commissioners ("the Board") directed that I write to request that your client agree to hold his above referenced application in abeyance for six months while Franklin County undertakes its investigation of this matter.

The Board believes that six months is sufficient time for it to gather the information it needs to make a decision. As they undertake this process, I'm certain that if the Board believes that more or less time is needed, they will communicate same to your client.

Please let me know your clients response to this request at your earliest convenience.

Sincerely,



Thomas M. Shuler
Franklin County Attorney

Xc: Clerk
File