

Diamond Williams

From: DAVIS.PHYLLIS [DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Thursday, May 06, 2010 3:54 PM
To: Filings@psc.state.fl.us
Cc: Lisa Bennett; REILLY.STEVE
Subject: 080562-WU Electronic Filing - Motion for Abatement and Continuance
Attachments: MOTION FOR ABATEMENT AND CONTINUENCE. 05-06-10docx.pdf

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. 080562-WU

In re: Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems, Inc.

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

d. There are a total of ten (10) pages.

e. The documents attached for electronic filing is Motion for Abatement and Continuance.

Phyllis W. Philip-Guide
Assistant to Stephen C. Reilly, Associate Public Counsel.
Office of Public Counsel
Telephone: (850) 488-9330
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DOCUMENT NUMBER-DATE
03816 MAY-06 09
FPSC-COMMISSION CLERK

5/6/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems, Inc.

Docket No. 080562-WU

Filed: May 6, 2010

MOTION FOR ABATEMENT AND CONTINUANCE

East Marion Sanitary Systems, Inc. ("East Marion," "Utility" or "Company") and all of the customers who have filed testimony and Petitions to Intervene in this proceeding, representing all of the parties to this docket, hereby move this Commission to abate this proceeding and continue all of the scheduled actions set forth in Commission Order Nos. PSC-10-0116-PCO-WU and PSC-10-076-PCO-WU, First and Second Orders Revising Order Establishing Procedure and state:

1. By Order No. PSC-09-0263-TRF-WU (Tariff Order), issued April 27, 2009, East Marion was permitted to change its tariffs to increase certain rates but was required to connect certain customers at the prior tariffed rate. East Marion protested that portion of the tariff order relating to the connection of customers at the prior tariffed rate. As a result of the protest, a hearing was set for March 10, 2010, before a Commission panel. By Order No. PSC-09-0742-PCO-WU, issued November 10, 2009, a procedural schedule was established setting forth the controlling dates for this docket. On February 26, 2010, a First Order Revising Order Establishing Procedure, Order No. PSC-10-0116-PCO-WU was issued to change the testimony filing dates. Subsequent to the issuance of the First Order, eight customers petitioned to intervene and the Utility and customers filed testimony. On April 28, 2010, Commission staff filed a motion for extension of time to file its testimony. That motion was granted and the Commission issued Order No. PSC-10-076-PCO-WU, Second Order Revising Order Establishing Procedure.

DOCUMENT NUMBER-DATE

03816 MAY-6 2010

FPSC-COMMISSION CLERK

2. As a result of discussions between the parties at the Informal Conference held with Staff and the parties on May 4, 2010, and discussions between the parties held after the Informal Conference, the parties believe they can negotiate a settlement to the protest filed by the Utility and the petitions filed by the customers.
3. All of the parties to this proceeding hereby request the Prehearing Officer to issue an order to hold this proceeding in abeyance and to continue all scheduled actions set forth in the above Procedural Orders, in order to provide the parties with additional time to negotiate and memorialize a settlement agreement.
4. If this request for abeyance is approved, the parties will submit within 45 days of the order approving the motion, and executed Settlement Agreement or a letter confirming that their efforts to settle the case failed.
5. It is in the interests of all of the parties and the Commission's staff not to incur any more time or expense in preparing for hearing. The parties desire to devote themselves to finalize the costs and details of a Settlement Agreement.
6. The Commission's staff supports this motion.

WHEREFORE, East Marion and all of the customers who have filed Petitions to Intervene and testimony in this docket respectfully request the Prehearing Officer to issue an order to hold this proceeding in abeyance, and to continue all scheduled actions set forth in the above Procedural Orders in order to facilitate settlement of the Utility's protest of the PAA Tariff Order and the petitions filed by the proposed customer intervenors..

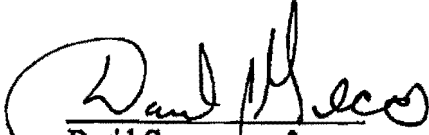
Respectfully submitted this 6th day of May, 2010.

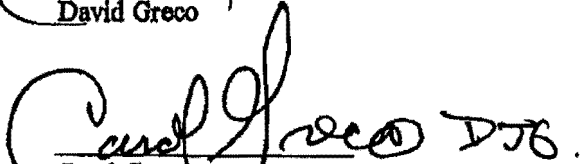
East Marion Sanitary Systems, Inc.



Herbert Hein, President

Petitioners for Intervention


David Greco


Carol Greco DJB.

Earl Turner

Kevin Politte

Dennis Smith

Terry Will

Joseph Singel

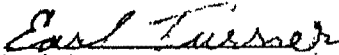
Millicent Mallon

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
May 5, 2010 5:54:52 PM EDT	352 625 8622	36	1	Received
May 05 10 05:56p	Earl & Rosemary Turner	352-625-8622		p.1

Petitioners for Intervention

David Greco

Carol Greco


Earl Turner

Kevin Politte

Dennis Smith

Terry Will

Joseph Singel

Millicent Mallon

Petitioners for Intervention

David Greco

Carol Greco

Earl Turner



Kevin Politte

Dennis Smith

Terry Will

Joseph Singel

Millicent Mallon

Petitioners for Intervention

David Greco

Carol Greco

Earl Turner

Kevin Politte



Dennis Struth

Terry Will

Joseph Singel

Millicent Mallon

Petitioners for Intervention

David Greco

Carol Greco

Earl Turner

Kevin Politte

Dennis Smith

Terry Will
Terry Will

Joseph Singel

Millicent Mallon

Petitioners for Intervention

David Greco

Carol Greco

Earl Turner

Kevin Polito

Dennis Smith

Terry Will



Joseph Singel

Millicent Mallon

Petitioners for Intervention

David Greco

Carol Greco

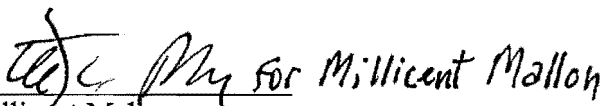
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Kevin Politte

Dennis Smith

Terry Will

Joseph Singel

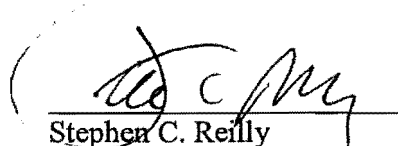


Millicent Mallon

CERTIFICATE OF SERVICE
DOCKET NO. 080562-WU

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Abatement and Continuance has been furnished to the following party by electronic and U.S. Mail this 6th day of May, 2010.

Lisa Bennett, Esquire
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850



Stephen C. Reilly
Associate Public Counsel