

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system and request for initial rates and changes in Indian River, Okeechobee and St. Lucie counties by Grove Land Utilities, LLC.

DOCKET NO. 090445-WS

In re: Application for original certificates for proposed water and wastewater system and request for initial rates and charges in Martin and St. Lucie Counties by Bluefield Utilities, LLC.

DOCKET NO. 090459-WS

ORDER NO. PSC-10-0637-PCO-WS

ISSUED: October 25, 2010

ORDER CONSOLIDATING DOCKETS

A. Docket No. 090445-WS

On September 11, 2009, Grove Land Utilities, LLC (Grove Land) filed its Application for Original Certificates for Proposed Water and Wastewater Utility Systems and Request for Initial Rates and Charges (Grove Land Application). On October 7, 2009, both St. Lucie County (St. Lucie) and Indian River County (Indian River) filed their objections to the Grove Land Application. On October 9, 2010, Fort Pierce Utilities Authority (FPUA) filed its objection to the Grove Land Application. On October 13, 2009, the Okeechobee Utility Authority (OUA) filed its Petition for Leave to Intervene and Objection to the Application.

On March 26, 2010, Indian River withdrew its objection in this docket pursuant to a settlement agreement reached between Indian River and Grove Land. Also, on April 8, 2010, FPUA withdrew its objection. On October 18, 2010, OUA withdrew its petition to intervene and object to the application. Therefore, only St. Lucie County remains as a protestor in this docket.

B. Docket No. 090459-WS

On September 25, 2009, Bluefield Utilities, LLC (Bluefield) filed its Application for Original Certificates for Proposed Water and Wastewater Utility Systems and Request for Initial Rates and Charges in Martin and St. Lucie Counties (Bluefield Application). On October 7, 2009, St. Lucie County filed its objection to the Bluefield Application. In its objection, it raised the same objections and issues that it had identified in its objection to the Grove Land Application. On October 14, 2009, FPUA filed its objection to the Bluefield Application. On October 22, 2009, the City of Port St. Lucie (City) filed its objection to the Bluefield Application. Finally, on October 22, 2009, the Board of County Commissioners of Martin County (Martin County) filed their Resolution No. 09-10.17 (Resolution) opposing the Bluefield Application.

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However, on April 5, 2010, the City of Port St. Lucie withdrew its protest. Also, on April 8, 2010, FPUA withdrew its protest. Therefore, only St. Lucie County and OUA remain as protestors in this docket.

C. Consolidation

Rule 28-106.108, Florida Administrative Code (F.A.C.), states, “[i]f there are separate matters which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of the party.” St. Lucie County has filed objection in both Docket No. 090445-WS and 090459-WS. Moreover, both Grove Land and Bluefield are wholly owned subsidiaries of the same company, Evans Utilities Company, Inc. In addition, each of the dockets at issue herein contain similar issues of law or fact. Issues common to both dockets include, but are not limited to, the need for service, the application’s consistency with the comprehensive plan of each affected county, financial and technical ability of the respective utilities, the possible duplication of services within the proposed service territory, and the public interest implications of granting a certificate for the proposed territory.

Based on the foregoing, the dockets were consolidated for purposes of hearing by Order No. PSC-10-0224-PCO-WS, issued April 7, 2010. However, pursuant to that Order, both dockets were to remain open, and all filings were to be filed in their respective dockets.

Subsequent to the issuance of that Order, it has been determined that much of the discovery was pertinent or common to both dockets and the responses have had to be duplicated and filed in both dockets. This does not appear to be efficient. Therefore, the dockets shall be fully consolidated, with all subsequent filings being filed in Docket No. 090459-WS

This Order is issued pursuant to the authority granted by Rule 28-106.211, F.A.C., which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

The scope of this proceeding shall be based upon the issues raised by the parties and Commission staff (staff) up to and during the Prehearing Conference, unless modified by the Commission. The hearing will be conducted according to the provisions of Chapter 120, Florida Statutes (F.S.), and all administrative rules applicable to this Commission.


In consideration of the above, it is

ORDERED by Commissioner Ronald Brisé, as Prehearing Officer, that in the interest of administrative efficiency and given the congruence between the issues and parties in the two dockets, Docket No. 090445-WS shall be fully consolidated with Docket No. 090459-WS. It is further

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ORDERED that all subsequent filings in these dockets shall be filed in Docket No. 090459-WS.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 25<sup>th</sup> day of October, 2010.

  
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RONALD A. BRISE  
Commissioner and Prehearing Officer

(SEAL)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.