

**Diamond Williams**

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**From:** Trina Collins [TCollins@RSBattorneys.com]  
**Sent:** Friday, November 12, 2010 2:50 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Martin Friedman; Trina Collins  
**Subject:** Filing in Docket No. 100400-WU; IN RE: Investigation of rates of O & S Water Company, Inc., in Osceola County, Florida for possible overearnings  
**Importance:** High  
**Attachments:** Motion for Reconsideration of Order No. PSC-10-0656-FOF-WU.11-12-2010(3).pdf

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- b. Docket No. 100400-WU; IN RE: Investigation of rates of O & S Water Company, Inc., in Osceola County, Florida for possible overearnings - Filing Motion for Reconsideration of Order No. PSC-10-0656-FOF-WU.
- c. O & S Water Company, Inc.
- d. 2 Pages.
- e. Motion for Reconsideration of Order No. PSC-10-0656-FOF-WU - 2 pages.

11/12/2010

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Investigation of rates of  
O&S Water Company, Inc., in Osceola  
County, Florida for possible overearnings

Docket No. 100400-WU

MOTION FOR RECONSIDERATION OF  
ORDER NO. PSC-10-0656-FOF-WU

O & S WATER COMPANY, INC. ("O & S"), by and through its undersigned counsel and pursuant to Rule 25-22.060, Florida Administrative Code, files this Motion for Reconsideration of Order No. PSC-10-0656-FOF-WU ("Order"), and in support thereof states:

1. The Order initiates an overearnings investigation and requires the escrow of certain funds during the pendency of the Commissions' investigation.
2. On November 10, 2010, O & S entered into an Asset Purchase Agreement to convey all of its water utility assets to the Tohopekaliga Water Authority ("TWA") which is a governmental entity and by law is entitled to Commission approval as a matter of right. The Application for the Commission to approve the transfer will be filed on November 15, 2010.
3. Pursuant to the Asset Purchase Agreement the sale must be closed by December 31, 2010, and a tentative closing date is scheduled for December 8, 2010.
4. In light of the anticipated sale it would not be the best use of the Commissions' or O & S's resources to incur the time and expense of an overearnings investigation.

WHEREFORE, O & S WATER COMPANY, INC., respectfully requests that the Commission reconsider Order No. PSC-10-0656-FOF-WU, and not investigate the earnings of O & S nor require an escrow of revenues collected by O & S.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 12<sup>th</sup> day of November, 2010, to:

J.R. Kelly, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
Claude Pepper Building  
111 West Madison Street, Suite 812  
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Respectfully submitted on this 12<sup>th</sup> day  
of November, 2010, by:

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