

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system and request for initial rates and charges 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-11-0102-PCO-WS

ISSUED: February 7, 2011

ORDER GRANTING STIPULATED MOTION
FOR CONTINUED ABATEMENT

Pursuant to Order No. PSC-10-0728-PCO-WS, this proceeding was abated through January 31, 2011. That Order required Grove Land Utilities, LLC (Grove Land) and Bluefield Utilities, LLC (Bluefield) (collectively Applicants) to notify the Commission of the status of their negotiations and whether the matter should be rescheduled for hearing by no later than January 31, 2011. On January 25, 2011, the Applicants filed their Stipulated Motion for Continued Abatement (Motion).

In that Motion, the applicants note that these consolidated applications were originally the subject of six objections (Okeechobee Utility Authority, St. Lucie County, Martin County, Fort Pierce Utilities Authority, Indian River County, and the City of Port St. Lucie), but that pursuant to negotiations, the Applicants had reached a settlement with four of the objectors -- Okeechobee Utility Authority, Fort Pierce Utility Authority, Indian River County and the City of Port St. Lucie. The Applicants state that discussions and negotiations remain active and ongoing with the two remaining objectors (St. Lucie County and Martin County).

Pending the final outcome of those negotiations, the Applicants advise that the only remaining protesting parties in this docket, Martin County and St. Lucie County, have agreed to an extension of the abatement, and that a continued abatement will allow the ongoing negotiations to proceed without the distraction simultaneous litigation often creates to such efforts. Further, the Applicants allege that continued abatement will afford the Applicants all of the benefits outlined hereinabove, and will not prejudice or adversely affect the Applicants, the objecting parties, the public, or the Commission or its staff. Further, Applicants contend that abatement of this matter, as opposed to a mere continuance, is in the public interest, promotes judicial economy, and will allow these applications and the ultimate determination of their merits by the Commission to proceed in a more orderly and considered fashion.

DOCUMENT NUMBER (DATE)

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FPSC-COMMISSION CLERK

Although Martin County and St. Lucie County have not stipulated to the contents of this Motion, they do agree that the requested continued abatement should be granted. Wherefore, and in consideration of the above, the Applicants in these consolidated dockets respectfully request that the Commission extend the abatement of this proceeding, and direct that Grove Land/Bluefield advise the Commission, no later than February 28, 2011, as to the status of any negotiations between the parties and whether this matter should be rescheduled for hearing or whether a different course of action is appropriate.


In consideration of the above, the Stipulated Motion for Continued Abatement shall be granted and these proceedings shall continue to be held in abeyance. Grove Land and Bluefield shall advise the Commission no later than February 28, 2011, as to the status of any negotiations and whether this matter should be rescheduled for hearing or whether a different course of action is appropriate.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that the Stipulated Motion for Continued Abatement to continue to hold these proceedings in abeyance is granted as set forth in the body of the Order. It is further

ORDERED that Grove Land and Bluefield shall notify the Commission of the status of their negotiations and whether the matter should be rescheduled for hearing by no later than February 28, 2011.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 7th day of February _____, 2011.



RONALD A. BRISE
Commissioner and Prehearing Officer

(S E A L)

RRJ

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.