

Diamond Williams

100085-WU

From: Trina Collins [TCollins@RSBattorneys.com]
Sent: Wednesday, February 16, 2011 11:33 AM
To: Filings@psc.state.fl.us
Cc: Marsha Rule; Erik Saylor; Patti Daniel; Martin Friedman; Christian W. Marcelli; Trina Collins
Subject: AMENDED Filing in Docket No. 100085-WU; In re: Application for Certificate to operate Water Utility in Lake County, Florida by Black Bear Reserve Water Company, Inc.
Importance: High
Attachments: Joint Motion for Stay (Executed).pdf

Dear Ann Cole and Staff,

Please disregard the 1st filing submitted as I accidently hit send by mistake before completing the filing. PLEASE DISREGARD THE FIRST SUBMISSION AND ACCEPT THIS FILING SUBMISSION AS THE ORIGINAL FILING OF THE JOINT MOTION FOR STAY. If you should have any questions, please let me know.

Thank you and I apologize for any inconvenience this may have cause you.

TRINA L. COLLINS

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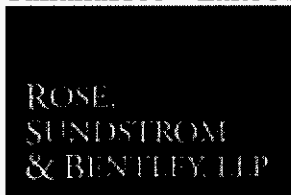
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DOCUMENT NUMBER-DATE

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2/16/2011

- a. Docket No.: 100085-WU; Black Bear Reserve Water Company, Inc.'s Application for Certificate to operate Water Utility in Lake County, Florida - Filing Petitioner, Black Bear Reserve Water Corporation, and Objector, Upson Downs Limited Partnership's Joint Motion for Stay.
- c. Blackbear Reserve Water Company, Inc.
- d. 3 Pages.
- e. Joint Motion for Stay - 3 pages.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Certificate to operate
Water Utility in Lake County, Florida by
Black Bear Reserve Water Company, Inc.

DOCKET NO. 100085-WU

JOINT MOTION FOR STAY

Petitioner, BLACK BEAR RESERVE WATER CORPORATION ("BBRWC"), and Objector, UPSON DOWNS LIMITED PARTNERSHIP ("UPSON DOWNS"), by and through their respective undersigned counsel, jointly move this Commission for a stay of this proceeding and in support thereof, state:

1. BBRWC filed an application to provide water service in Lake County, Florida, which included rates for an irrigation system.
2. UPSON DOWNS asserts that it is the owner of the irrigation system, and has filed a protest of BBRWC's application.
3. Since the Commission lacks jurisdiction to determine ownership of the irrigation system and litigation of this matter will impose an excessive financial burden on BBRWC's ratepayers, BBRWC and UPSON DOWNS have agreed to settle UPSON DOWNS' claim in this docket by withdrawing the irrigation system from consideration in this proceeding so that the ownership issue may be resolved by litigation between UPSON DOWNS and BBRWC's parent corporation.
4. On February 15, 2011 the parties held discussions with Staff regarding the most efficient manner in which to accomplish the agreement, however, Staff was not

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prepared at that time to support any particular method to accomplish the settlement and took the matter under advisement.

5. In light of the settlement, it is not a judicious use of the Commission Staff or parties' resources to continue with the ongoing discovery and other prehearing proceedings.

WHEREFORE, BBRWC and UPSON DOWNS request an indefinite stay of Order No.: PCS-10-0740-PCO-WU, pending documentation and approval of the parties' settlement.



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CERTIFICATE OF SERVICE
DOCKET NO. 100085-WU

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished
by e-filing and U. S. Mail to the following parties this 16 day of February, 2011:

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Respectfully submitted this 16 day of
February, 2011, by:

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