

Eric Fryson

From: Sheila Stanbro [sstanbro@co.volusia.fl.us]
Sent: Friday, January 20, 2012 1:23 PM
To: Filings@psc.state.fl.us
Cc: Derrill McAteer; Jamie Seaman
Subject: Farmton Water Resources-11-0298-SU - Joint Stipulation

Attachments: Joint Stipulation.pdf



Joint
Stipulation.pdf (935 |

Attached for filing:

a. The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing:

Jamie Seaman, Esq.
Derrill L. McAteer, Esq.
County of Volusia
123 W. Indiana Avenue
Deland, Fl 32720
jseaman@co.volusia.fl.us
dmcateer@co.volusia.fl.us

b. The docket number and title if filed in an existing docket:

Docket No: 11-0298-SU, Joint Stipulation

c. The name of the party on whose behalf the document is filed:

Farmton Water Resource and County of Volusia

d. The total number of pages in each attached document:

3

and

e. A brief but complete description of each attached document:

Joint Stipulation between the parties regarding pending matters

Sheila N. Stanbro, Fla. Registered Paralegal Volusia County Legal Department
123 W. Indiana Avenue
DeLand, Fl 32720
(386) 736-5950 ext. 5684
(386_ 736-5990 - Facsimile
sstanbro@co.volusia.fl.us

DOCUMENT NUMBER DATE

00393 JAN 20 09

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Farmton Water Resources, LLC to operate wastewater service in Volusia and Brevard Counties, Florida)
)
)
)
_____)

110298-SU

DOCKET NO. 11-~~0298~~-SU

JOINT STIPULATION

The County of Volusia (hereafter referred to as the "the County") and Farmton Water Resources, LLC (hereafter referred to as "FWR") jointly stipulate to the amendment of FWR's wastewater certificate application before the Florida Public Service Commission and the withdrawal of the County's objection thereto and further state:

WHEREAS, FWR filed an application for a wastewater utility certificate with the Florida Public Service Commission on October 27, 2011, and;

WHEREAS, the County filed a timely objection in the above styled matter to FWR's certificate application, and;

WHEREAS, the parties wish to enter into a stipulation which will result in a withdrawal of the County's objection.

STIPULATION

1. FWR agrees that the complete pleadings, application, engineering report, and all documents filed with the Public Service Commission for a wastewater certification in Docket Number 11-0298-SU are amended to redact and remove any reference to Volusia County, except to the extent that any reference to Volusia County may serve to explain the proposed certification of lands in Brevard County, to remove all lands within the boundaries of Volusia County and to remove all calculations utilized for need which include density or

intensity of all potential development in Volusia County.

2. The application in Docket Number 11-0298-SU applies only to Brevard County.

3. FWR agrees that any request for a wastewater utility certificate on lands and/or for development within the jurisdiction of Volusia County shall require an entirely new and separate certificate application, including a new notice of a wastewater certificate application before the Public Service Commission.

4. The parties agree this settlement clarifies all lands within Volusia County have been removed from the proposed wastewater service area and that the proposed wastewater certification is strictly for a proposed service area in Brevard County.

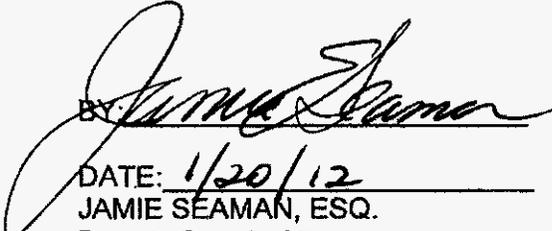
5. Based on FWR's stipulation herein, the County agrees to withdraw its objection to FWR's wastewater certificate and restrictive amendment in Docket Number 11-0298-SU.

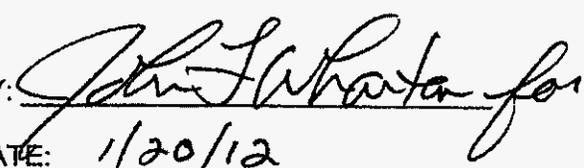
6. The parties to this agreement have consulted with counsel and give assurances that the signatories to this document have the necessary authority to bind the parties to the terms stipulated to herein.

7. The effective date of this Joint Stipulation shall be the date upon which last party signs.

COUNTY OF VOLUSIA

FARMTON WATER RESOURCES LLC

BY: 

BY: 

DATE: 1/20/12

DATE: 1/20/12

JAMIE SEAMAN, ESQ.

F. MARSHALL DETERDING, ESQ.

Deputy County Attorney

Sundstrom, Friedman & Fumero, LLP

Florida Bar No. 508748

Florida Bar No. 515876

DERRILL L. MCATEER, ESQ.

2548 Blairstone Pines Drive

Assistant County Attorney

Tallahassee, FL 32301

Florida Bar No. 628972

Phone: (850)877-6555

County of Volusia

Fax: (850)656-4029

123 W. Indiana Avenue

DeLand, Florida 32720-4613

Phone: (386)736-5950

Fax: (386)736-5990