

Ruth Nettles

From: DAVIS.PHYLLIS [DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Wednesday, November 05, 2008 4:08 PM
To: Filings@psc.state.fl.us
Cc: Jean Hartman; jandrmcbride@cox.net; fredloughmiller@bellsouth.net; REILLY.STEVE
Attachments: Joint Motion Requesting Commission Approval of Settlement.pdf

Electronic Filing

a. Person(s) responsible for this electronic filing:

Robert McBride
FIMC Hideaway, Inc.
Lonnie Parnell
Par Utilities, Inc.
Fred Loughmiller
Objector

b. **Docket No. 080268-WS**

In re: Joint application for transfer of the Springside water and wastewater systems
From Par Utilities, Inc. in Levy County to FIMC Hideaway, Inc.; and amendment of
Certificates 426-W and 362-S held by FIMC Hideaway, Inc.; and amendment of Certificate
428-W and cancellation of Certificate 366-S held by Par Utilities, Inc.

c. Document being filed on behalf of Joint Applicants.

d. There are a total of eight pages.

e. The document attached for electronic filing is a **Joint Motion Requesting Commission Approval of Settlement Agreement**

Thank you for your attention and cooperation to this request.

Phyllis W. Philip-Guide
Assistant to Stephen C. Reilly, Associate Public Counsel.
Office of Public Counsel
Telephone: (850) 488-9330
Fax: (850) 488-4491

11/5/2008

DOCUMENT NUMBER-DATE
10405 NOV-5 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint application for transfer of the Springside water and wastewater systems From Par Utilities, Inc. in Levy County to FIMC Hideaway, Inc.; amendment of Certificates 426-W and 362-S held by FIMC Hideaway, Inc.; and amendment of Certificate 428-W and cancellation of Certificate 366-S held by Par Utilities, Inc.

Docket No. 080268-WS

Filed: November 5, 2008

JOINT MOTION REQUESTING COMMISSION APPROVAL OF SETTLEMENT AGREEMENT

FIMC Hideaway, Inc. and Par Utilities, Inc. ("Applicants") and Fred Loughmiller ("Objector") file this Joint Motion requesting the Florida Public Service Commission ("Commission") to approve the attached Settlement Agreement. In support of this Joint Motion, Applicants and Objector state:

1. Applicants and Objector have entered into a Settlement Agreement to resolve the Objector's objections to Applicants' Joint Application to transfer the Springside water and wastewater facilities from Par Utilities, Inc. to FIMC Hideaway, Inc., in accordance with the terms of the Settlement Agreement. A copy of the Settlement Agreement is attached hereto and made a part hereof as Exhibit "A."
2. Applicants and Objector have entered into the Settlement Agreement to avoid the time, expense and uncertainty associated with adversarial litigation, in keeping with the

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Commission's long-standing policy and practice of encouraging parties in protested proceedings to settle issues whenever possible.

WHEREFORE, Applicants and Objector respectfully request the Commission to approve without modification the attached Settlement Agreement and to issue a Final Order, consistent with the terms of the Settlement Agreement, approving the transfer of the Springside water and wastewater facilities from Par Utilities, Inc. to FIMC Hideaway, Inc., and closing this docket.

Respectfully submitted this _____ day of October, 2008.

APPLICANTS
FIMC Hideaway, Inc.

OBJECTOR

By: Robert McBride
Robert McBride, President

Fred Loughmiller

Par Utilities, Inc.

By: Lonnie Parnell
Lonnie Parnell, President
10/29/08

Commission's long-standing policy and practice of encouraging parties in protested proceedings to settle issues whenever possible.

WHEREFORE, Applicants and Objector respectfully request the Commission to approve without modification the attached Settlement Agreement and to issue a Final Order, consistent with the terms of the Settlement Agreement, approving the transfer of the Springside water and wastewater facilities from Par Utilities, Inc. to FIMC Hideaway, Inc., and closing this docket.

Respectfully submitted this 3rd day of ~~October~~ ^{NOVEMBER}, 2008. *FL*

APPLICANTS
FIMC Hideaway, Inc.

OBJECTOR

By: _____
Robert McBride, President

Fred Loughmiller

Fred Loughmiller

Par Utilities, Inc.

By: _____
Lonnie Parnell, President

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint application for transfer of the Springside water and wastewater systems From Par Utilities, Inc. in Levy County to FIMC Hideaway, Inc.; amendment of Certificates 426-W and 362-S held by FIMC Hideaway, Inc.; and amendment of Certificate 428-W and cancellation of Certificate 366-S held by Par Utilities, Inc.

Docket No. 080268-WS

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT is made and entered into this 3rd day of ~~October~~ ^{November}, 2008 by and between FIMC Hideaway, Inc. ("Transferee") and Par Utilities, Inc. (Applicants") and Fred Loughmiller ("Objector").

WHEREAS, on May 9, 2008, applicants filed with the Florida Public Service Commission ("Commission") a Joint Application to transfer Par Utilities, Inc.'s water certificate No. 435 and water and wastewater certificate No. 3665 and facilities to Transferee; and

WHEREAS, Objector filed a timely objection to the proposed transfer; and

WHEREAS, in order to avoid the time, expense and uncertainty associated with adversarial litigation, and in keeping with the Commission's long-standing policy and practice of encouraging parties in protested proceedings to settle issues whenever possible, the Applicants and Objector hereby enter into this agreement to settle this case in accordance with the terms and conditions contained herein.

Exhibit "A"

NOW, THEREFORE, for and in consideration of the mutual covenants set forth below, Applicants and Objector agree as follows:

1. Transferee shall inspect and clean the Springside water storage tank prior to December 31, 2008.
2. Transferee shall provide back-up electric generation on or before the date established by the Florida Department of Environmental Protection.
3. Transferee shall locate and make operable all of the isolation valves in the Springside water system.
4. There shall be no acquisition adjustment with this transfer.
5. Transferee shall not seek an increase in water or wastewater rates for three years from the date of the Commission's Order granting the transfer of the Springside water and wastewater systems to the Transferee, except for any annual index rate increases that are allowed by Commission rule for all water and wastewater utilities.
6. The submission of the Settlement Agreement by the Parties is in the nature of an offer to settle. Consequently, if this Settlement Agreement is not accepted and approved without modification by Commission Order, then this Settlement Agreement is rejected and shall be considered null and void and neither Party may use the attempted agreement in this or any other proceeding.
7. This Settlement Agreement will become effective on the date the Commission enters a final order approving the Agreement in total. After satisfying all of the requirements of the Commission and upon the Commission issuing a Final Order approving the Joint Application

to transfer the above described facilities to the Transferee, subject to the expressed terms of the Settlement Agreement, the Objector's objection to the transfer will be deemed resolved.

8. The Parties have evidenced their acceptance and agreement with the provisions of this Settlement Agreement by their signatures, and personally represent that they have authority to execute this Settlement Agreement on behalf of themselves or their corporations.

APPLICANTS
FIMC Hideaway, Inc.

OBJECTOR

By: _____
Robert McBride, President


Fred Loughmiller

Par Utilities, Inc.

By: _____
Lonnie Parnell, President

CERTIFICATE OF SERVICE
DOCKET NO. 080268-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Motion Requesting Commission Approval of Settlement Agreement has been furnished by electronic and U.S. Mail to the following party on this 5th day of November, 2008.

Jean Hartman, Esquire
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

s/Stephen C. Reilly
Stephen C. Reilly
Associate Public Counsel