

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems Inc.

DOCKET NO. 080562-WU
ORDER NO. PSC-10-0460-PCO-WU
ISSUED: July 19, 2010

ORDER GRANTING EXTENSION OF ABATEMENT AND CONTINUANCE

On May 6, 2010, a joint motion was filed by East Marion Sanitary Systems, Inc., Dennis U. Smith, Joseph M. Singel, Earl Turner, David Greco, Carol Greco, Millicent Mallon, Terry Will, and Kevin Politte (movants) requesting that we hold this proceeding in abeyance pending efforts by the parties to resolve their differences by way of settlement, and that we abate all of the scheduled actions set forth in Commission Order Nos. PSC-10-0116-PCO-WU and PSC-10-0276-PCO-WU, First and Second Orders Revising Order Establishing Procedure (procedural orders).

In the Motion, the movants stated they were currently engaged in discussions regarding the potential for settling their differences, and that by holding this proceeding in abeyance it would permit them to focus their efforts on meaningful settlement negotiations. Additionally, the movants would provide a status report within 45 days on the progress of their settlement discussions. On May 7, 2010, we granted the Motion for Abatement and Continuance by Order No. PSC-10-0294-PCO-WU, allowing the parties time to resolve their differences without administrative litigation. The abatement and continuance expired June 21, 2010. At this time, the parties have yet to reach a settlement and have requested an extension of the Order Granting Abatement and Continuance for 30 days to allow the parties to continue negotiating an agreement.

Continuing to hold this proceeding in abeyance pending completion of those discussions may facilitate possible settlement, may avoid unnecessary administrative litigation, and will not prejudice the rights of parties. Therefore, the joint request for an extension of the Order Granting Abatement and Continuance is granted for an additional thirty days from the date of this Order. All scheduled actions, including rebuttal testimony and prehearing statements are abated. If no settlement has been reached by the expiration of this Abatement and Continuance, this matter shall be set for hearing and new procedural dates shall be set.

Based on the foregoing, it is

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ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the joint motion of East Marion Sanitary Systems, Inc., Dennis U. Smith, Joseph M. Singel, Earl Turner, David Greco, Carol Greco, Millicent Mallon, Terry Will, and Kevin Politte for an extension of time to hold this proceeding in abeyance and abate all of the scheduled actions set by the procedural orders is granted as set forth in the body of this Order. It is further

ORDERED that the parties shall notify the Commission of the progress of their settlement discussions no later than thirty days from the date of this Order.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 19th day of July, 2010.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(SEAL)

LCB/klj

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.