

Holland & Knight

315 South Calhoun Street, Suite 600 | Tallahassee, FL 32301 | T 850.224.7000 | F 850.224.8832
Holland & Knight LLP | www.hklaw.com

D. Bruce May, Jr.
(850) 425-5607
bruce.may@hklaw.com

RECEIVED-FPSC

10 NOV 18 AM 10:47

COMMISSION
CLERK

November 18, 2010

Via Hand-Delivery

Ms. Ann Cole
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, FL 32399-0850

Re: *In Re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc., Docket No. 100330-WS*

Dear Ms. Cole:

Aqua Utilities Florida, Inc. ("AUF") hereby waives the statutory five-month time period within which a proposed agency action ("PAA") vote must occur in this docket to a date certain of May 24, 2010.¹ As explained below, the purpose of the waiver is to address a procedural timing issue identified by Commission Staff and the Office of Public Counsel ("OPC"). Furthermore, to promote judicial economy, AUF respectfully submits that the staff recommendation relating to the Quality of Service Monitoring ("QSM") review in Docket No. 080121-WS be considered on May 24, 2010 as well.

The procedural timing issue which is addressed by this waiver stems from the requirement that the Commission consider quality of service as part of its vote on the PAA rate case, and that fact that the Quality of Service Monitoring ("QSM") review in Docket No. 080121-WS is currently scheduled to conclude after the Commission is scheduled to render its PAA vote. This timing issue is exacerbated by the fact that, as part of the QSM review, the Staff is required to prepare a comprehensive recommendation based on voluminous quality of service information gathered over the past twenty months. Waiving the PAA rate case to May 24, 2010, and considering staff's QSM recommendation on that same date will promote judicial economy

¹ Pursuant to Section 367.081(8), Florida Statutes, unless waived by the utility, the Commission is required to vote on a proposed agency action rate case within 5 months of the official filing date thereof.

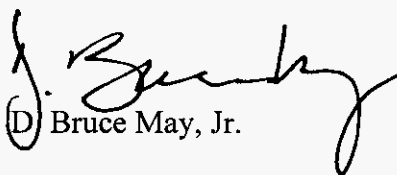
by allowing for the Staff and the other parties to have additional time to thoroughly analyze the quality of service information gathered in Docket No. 080121-WS, and for the Commission to have the benefit of that analysis when it votes on the PAA rate case.²

Finally, waiver of the PAA vote to May 24, 2011, will not prejudice customers since Florida law mandates that all interim revenues received by AUF through the course of the proceeding are subject to refund to the customers with interest. It should be noted that if customers protest the PAA order then the utility has a right under Section 367.081(8) to place its higher requested rates or the higher PAA rates into effect. Thus, in that event, waiving the PAA vote would actually benefit customers by delaying the collection of those higher rates.

Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP


(D) Bruce May, Jr.

DBM:kjg
Encls.

cc: Katherine Fleming, Esq.
Ralph Jaeger, Esq.
Caroline Klancke, Esq.
S. Curtis Kiser, Esq.
Marshall Willis
J.R. Kelly, Esq.
Charles Beck, Esq.
Patricia Christensen, Esq.
Kimberly A. Joyce, Esq.
Troy Rendell

² Considering Staff's QSM recommendation on May 24, 2011, will not alter the deadline for AUF to file a final QSM report. AUF will file that report on February 10, 2010, as required by Order No. PSC-10-0297-PAA-WS (May 10, 2010).