

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-11-0353-PCO-WU
ISSUED: August 23, 2011

ORDER SETTING A STATUS CONFERENCE FOR SEPTEMBER 14, 2011

On August 19, 2008, the East Marion Sanitary Systems, Inc. (East Marion or Utility) filed an application for approval of tariff sheets to reflect the following: amendment to connection/transfer sheet, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and the imposition of a new tap-in fee. On April 27, 2009, by Order No. PSC-09-0263-TRF-WU, the Commission granted in part and denied in part the Utility's application. The Commission permitted the Utility to impose a new tap-in fee and increase its meter charges for irrigation meters but also found that several customers had requested irrigation meters prior to the tariff being changed. The Commission directed that those customers who had requested irrigation meters prior to the Commission's April 7, 2009, Commission Conference be provided irrigation meters at the old tariff rate. On May 18, 2009, East Marion protested that portion of the Commission's order. The Office of Public Counsel and customers Greco, Will, Smith, Politte, Turner, Singel, and Mallon were granted intervention.

By Order No. PSC-09-0742-PCO-WU, issued Nov. 10, 2009 (Order Establishing Procedure), the hearing on the Utility's protest was set for March 10, 2010. The parties requested several extensions of the hearing to discuss settlement options. Those extensions were granted by separate orders.¹ To date, there has been no settlement filed with the Commission. Accordingly, the Third Order Revising Order Establishing Procedure, Order No. PSC-11-0280-PCO-WU, was issued June 23, 2011, setting this docket for hearing. The Prehearing Conference is set for October 3, 2011, in Tallahassee, Florida. The hearing is set for October 13, 2011, in Ocala, Florida. The Third Order Revising the Order Establishing Procedure permitted the Utility to file its rebuttal testimony and exhibits, if any, on July 22, 2011. To date, there has been no rebuttal testimony filed.

It is the responsibility of the Prehearing Officer, as the presiding officer, to issue orders necessary to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case. Rule 28-106.211, Florida Administrative Code (F.A.C.). Furthermore, the

¹ First Order Revising Order Establishing Procedure, PSC-10-0116-PCO-WU, issued February 26, 2010; Order Granting Abatement and Continuance, issued May 7, 2010; and Order Granting Extension of Abatement and Continuance, issued July 19, 2010.

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Order Establishing Procedure places parties on notice that the Prehearing Officer may conduct additional Prehearing Conferences or meetings of the parties, as deemed appropriate.

Accordingly, pursuant to Rule 28-106.209, F.A.C., a Status Conference will be held **September 14, 2011**, at the Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida at 10:00 am. The purpose of the Status Conference is to discuss the status of settlement negotiations, to discuss the status of discovery, to allow for a preliminary identification of witnesses and issues, to discuss any possible stipulations, and to resolve any other procedural matters. This Status Conference is in addition to the Prehearing Conference set for October 3, 2011. **Attendance is mandatory.** Unless excused by the Prehearing Officer for good cause shown, each party (or designated representative) shall personally appear at the Status Conference. Upon prior request of a party, the Prehearing Officer may permit telephonic appearance upon good cause shown.

Based on the foregoing, it is

ORDERED that the parties to this proceeding shall attend the Status Conference on September 14, 2011, in Tallahassee, Florida as more specifically set forth in this Order.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 23rd day of August, 2011.



LISA POLAK EDGAR

Commissioner and Prehearing Officer

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

www.floridapsc.com

LCB

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.