

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-11-0435-PCO-WU
ISSUED: September 29, 2011

ORDER HOLDING THE PREHEARING CONFERENCE AND HEARING IN ABEYANCE

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 A 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.

East Marion Sanitary Systems, Inc., a majority of the intervenors, and the Office of Public Counsel on behalf of all ratepayers have entered into a Settlement Agreement and have filed a motion seeking approval of the Settlement Agreement. A minority of the intervenors did not enter into the Settlement Agreement.

As a matter of administrative efficiency, it is appropriate for the panel to consider the Settlement Agreement prior to the Prehearing Conference and Hearing being conducted. As

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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such, I request that the Settlement Agreement be considered by the panel at the earliest time practical.

Accordingly, the Prehearing Conference set for October 3, 2011, and the Hearing scheduled for October 13, 2011, are held in abeyance pending a decision by the Commission panel on the proposed settlement agreement.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 29th day of September, 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.