

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

DOCKET NO. 060368-WS  
ORDER NO. PSC-07-0638-PCO-WS  
ISSUED: August 6, 2007

ORDER GRANTING IN PART AND DENYING IN PART AQUA UTILITIES FLORIDA, INC.'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO JOINT MOTION TO DISMISS AND REQUEST FOR EXPEDITED RULING

On July 31, 2007, the Office of Public Counsel (OPC) and the Attorney General, State of Florida (AG) filed a Joint Motion to Dismiss Aqua Utilities, Inc.'s (Aqua or utility) general rate increase application (Joint Motion). Pursuant to Rules 28-106.103 and 28-106.204(1), Florida Administrative Code, Aqua's response to the Joint Motion is due to be filed on August 7, 2007.

On August 3, 2007, Aqua filed its Motion for Extension of Time and Request for Expedited Ruling (Motion), requesting a five day extension of time to file and serve its response, and requesting that the time for the filing and service of its response be tolled pending a ruling on the Motion. Aqua states that counsel for Aqua has a number of commitments over the next ten days involving various matters pending before this Commission and the circuit courts. Moreover, Aqua and its counsel are expending substantial time and resources responding to voluminous discovery requests of OPC and Commission staff and in the preparation of rebuttal testimony addressing issues raised at the customer service hearings. Finally, Aqua argues that in light of the drastic remedy sought by the Joint Motion and the significance of the stakes for Aqua raised by the Joint Motion, it is eminently reasonable to permit Aqua five additional days to file its response on August 13, 2007. OPC and the AG have advised counsel for Aqua that they object to the Motion.

Upon consideration of the Motion, and in consideration of the fact that it is in all the parties' and this Commission's best interests for the Joint Motion to be resolved as soon as is practicable, Aqua's Motion is granted in part and denied in part. Aqua shall be allowed three additional days in which to file its response to the Joint Motion. Aqua's response shall be filed on or before August 10, 2007.

It is, therefore

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that Aqua Utilities, Inc.'s Motion for Extension of Time and Request for Expedited Ruling is granted in part and denied in part. Aqua shall file its response to the Joint Motion to Dismiss by August 10, 2007.

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 6th  
day of August, 2007.



MATTHEW M. CARTER II  
Commissioner and Prehearing Officer

( S E A L )

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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 25-22.060, 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.