

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in wastewater rates in Monroe County by K W Resort Utilities Corp.

DOCKET NO. 070293-SU
ORDER NO. PSC-08-0032-PCO-SU
ISSUED: January 8, 2008

ORDER GRANTING K W RESORT UTILITIES CORP.'S
EMERGENCY STIPULATED MOTION FOR CONTINUANCE

This wastewater rate increase request is currently set for hearing on February 6-7, 2008, in Key West, Florida. However, on January 7, 2008, K W Resort Utilities Corp. (KW Resort or utility) filed its Emergency Stipulated Motion for Continuance (Motion). In its Motion, the utility notes that the drafting and filing of rebuttal testimony and exhibits, the drafting of prehearing statements, the attendance at the prehearing conference, the response to additional pending staff discovery, and numerous depositions are all pending.

As the basis for its Motion, KW Resort states that there are ongoing discussions concerning the sale of the utility and that sale of the utility would render this rate case moot. Therefore, to save money, time, and effort, the utility requests that the hearing be continued. The utility alleges that this would save many hours of work, promote judicial economy, and allow the current discussions involving the sale of KW Resort to continue without distraction.

The utility further alleges that no party nor the public will be prejudiced by a continuance of this matter, and that the Office of Public Counsel (OPC) has stipulated to the continuance of this case, as long as the controlling dates established for this proceeding are delayed such that no opportunity to engage in discovery, file prehearing statements, etc., by any party will be missed or waived or otherwise forfeited. The utility requests that this matter be continued for a period of at least 60 days, and that KW Resort be directed to apprise the Prehearing Officer, as well as the staff and OPC, of the status of these matters no less than 30 days from the date of the Order granting this continuance.

In consideration of the above, the utility's Motion is granted, and the hearing currently scheduled for February 6-7, 2008, is cancelled and shall be continued to a later date to be determined.

Based upon the foregoing, it is

ORDERED by Commissioner Nancy Argenziano, as Prehearing Officer, that K W Resort Utilities Corp.'s Emergency Stipulated Motion for Continuance is granted, and the hearing scheduled for February 6-7, 2008, is cancelled. It is further

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ORDERED that K W Resort Utilities Corp. shall apprise the Prehearing Officer, as well as staff and the Office of the Public Counsel, of the status of these matters no less than 30 days from the date of this Order.

By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this 8th day of January, 2008.



NANCY ARGENZIANO
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.