

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system and request for initial rates and charges in Indian River, Okeechobee and St. Lucie counties by Grove Land Utilities, LLC.

DOCKET NO. 090445-WS

In re: Application for original certificates for proposed water and wastewater system and request for initial rates and charges in Martin and St. Lucie Counties by Bluefield Utilities, LLC.

DOCKET NO. 090459-WS
ORDER NO. PSC-10-0728-PCO-WS
ISSUED: December 13, 2010

ORDER GRANTING EMERGENCY STIPULATED
MOTION FOR ABATEMENT

On December 6, 2010, Grove Land Utilities, LLC (Grove Land) and Bluefield Utilities, LLC (Bluefield) filed their Emergency Stipulated Motion for Abatement (Emergency Motion). In the Emergency Motion, Grove Land and Bluefield (collectively “movants”) request that we hold these proceedings in abeyance pending the Commission’s ruling on Skyland Utilities, LLC’s (Skyland) application for original certificates.¹ The movants note that the only remaining protesting parties in Docket Nos. 090445-WS and 090459-WS are Martin County and St. Lucie County, and that they have agreed to the abatement.

In the Emergency Motion, the movants note that Evans Properties is the ultimate parent of the applicants: Skyland, Grove Land, and Bluefield. The movants further note that staff has filed its recommendation to deny the application of Skyland for original certificates to be considered at the December 14, 2010, Conference, and that rebuttal testimony for Grove Land and Bluefield is scheduled to be filed on December 13, 2010.

Although the movants note that there are significant differences between the applications, they also note that there are significant similarities. Because of these significant similarities between the applications, the movants allege that the Commission’s decision on the Skyland application will have major implications on the status and posture of the Grove Land and Bluefield proceedings, and that this is particularly true if staff’s recommendation is approved by the Commission at the December 14, 2010, Conference.

If the Skyland application is denied, the movants allege that “it will not only be appropriate, but absolutely necessary, that the applicants in these consolidated dockets determine upon a considered basis how best to proceed” The movants request that all critical dates to

¹ See Docket No. 090478-WS, In re: Application for original certificates for proposed water and wastewater systems, in Hernando and Pasco counties, and request for initial rates and charges, by Skyland Utilities, LLC.

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include the filing of rebuttal testimony and the hearing currently scheduled for February 1 and 2, 2011, be abated, and that Grove Land and Bluefield advise the Commission no later than January 31, 2011, as to the status of any negotiations and whether this matter should be rescheduled for hearing or whether a different course of action is appropriate.

In consideration of the above, the Emergency Stipulated Motion for Abatement shall be granted and these proceedings shall be held in abeyance. All scheduled actions, including rebuttal testimony and prehearing statements, are abated. Grove Land and Bluefield shall advise the Commission no later than January 31, 2011, as to the status of any negotiations and whether this matter should be rescheduled for hearing or whether a different course of action is appropriate.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that the Emergency Stipulated Motion for Abatement to hold these proceedings in abeyance and abate all of the scheduled actions set by the procedural orders is granted as set forth in the body of the Order. It is further

ORDERED that Grove Land and Bluefield shall notify the Commission of the status of their negotiations and whether the matter should be rescheduled for hearing by no later than January 31, 2011. It is further

ORDERED that the hearing currently scheduled for February 1 and 2, 2011, is cancelled.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 13th day of December, 2010.



RONALD A. BRISE
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 25-22.0376, 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.