

**Diamond Williams**

100318-WS

**From:** Matherne, Angela [amatherne@ngn-tally.com]  
**Sent:** Tuesday, January 11, 2011 8:50 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** Lisa Bennett; Mark Long; Roberta Bass; Baldwin English; Samantha Cibula; Anna Williams  
**Subject:** Docket No. 100318-WS  
**Attachments:** Deferral Request.doc

Below is the required information for the attached e-filing with the Florida Public Service Commission:

- a. The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing:

Brian P. Armstrong, Esq.  
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- b. The docket number and title if filed in an existing docket:

Title:  
 In Re: Petition for Order to Show Cause Against Service Management Systems, Inc. in  
 Brevard County for Failure to Properly Operate and Manage Water and Wastewater System

Docket No. 100318-WS

- c. The name of the party on whose behalf the document is filed:

Aquarina Utility Association, Inc. – Petitioner

- d. The total number of pages in each attached document:

Aquarina Utility Association, Inc.'s Request for Deferral – 3 pages

- e. A brief but complete description of each attached document:

Aquarina Utility Association, Inc.'s Request for Deferral

**Angela Matherne**  
**Legal Assistant to Brian P. Armstrong, Esq.**

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DOCUMENT NUMBER-DATA

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FPSC-COMMISSION CLERK

1/11/2011

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: PETITION FOR ORDER TO SHOW  
CAUSE AGAINST SERVICE MANAGEMENT  
SYSTEMS, INC. IN BREVARD COUNTY FOR  
FAILURE TO PROPERLY OPERATE AND  
MANAGE WATER AND WASTEWATER  
SYSTEM.

Docket No: 100318-WS

Filed: January 11, 2011

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**AQUARINA UTILITY ASSOCIATION, INC.'S  
REQUEST FOR DEFERRAL**

AQUARINA UTILITY ASSOCIATION, INC., ("Customers"), hereby requests that the Commission defer its consideration of the staff recommendation on the Customers' Motion for Reconsideration and Request for Oral Argument scheduled for decision at the January 11, 2011 Agenda Conference. In support of this request, Counsel for the Customers respectfully submits the following:

1. Counsel for the Customers was suddenly required to travel out of state to respond to an unanticipated family emergency;
2. Counsel was scheduled to return to Tallahassee in advance of the January 11, 2011 Agenda Conference, and fully expected to be present and ready to participate, if necessary;
3. Weather conditions have made it impossible for the Customers' Counsel to obtain a means of travel back to Tallahassee in time for the Agenda Conference;
4. The Customers are entitled to be present to hear their interests adjudicated; and
5. No other person is available in Tallahassee who is authorized to represent the Customers.

WHEREFORE, for the foregoing reasons, the Customers respectfully request the Commission to defer its decision on Agenda Item No. 4 pertaining to Docket No. 100318-WS to the next regularly scheduled Agenda Conference, or such other time convenient to the Commission.

Respectfully submitted,

s/ Brian P. Armstrong

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ATTORNEY FOR AQUARINA UTILITY  
ASSOCIATION, INC.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was provided by

U.S. Mail this 2nd day of November, 2010, to:

Dennis Basile, Receiver  
Service Management Systems, Inc.  
826 Creel Street  
Melbourne, Florida 32935-5992

D. Bruce May, Jr., Esq.  
Kevin W. Cox, Esq.  
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**Attorneys for FL-Service Management, LLC**

Arthur Graham  
Pre-Hearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
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*s/ Brian P. Armstrong* \_\_\_\_\_

Brian P. Armstrong, Esq