

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 29, 2010

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

v.

CAPTAIN'S COVE UTILITY COMPANY, INC.

CASE NO. PUE-2010-00062

ORDER

On June 17, 2010, the State Corporation Commission ("Commission") issued an Order and Rule to Show Cause (the "Injunction and Rule") against Captain's Cove Utility Company, Inc. ("CCUC" or the "Company"), a certificated water and sewer company regulated by the Commission pursuant to the Small Water or Sewer Public Utility Act, § 56-265.13:1 *et seq.* of the Code of Virginia. The Injunction and Rule directed the Company to continue providing adequate service to its customers and not to cease or reduce water or wastewater service pending further orders of the Commission.

On June 23, 2010, the Commission conducted a hearing on the Injunction and Rule. At the conclusion of the hearing, counsel for CCUC represented that the Company would be filing a petition for emergency rate relief ("Petition") in accordance with § 56-245 of the Code of Virginia by no later than June 30, 2010. The Company remains under the Commission's Order requiring CCUC to provide adequate service to its customers.

Thereafter, on June 28, 2010, the Company filed a Motion for Extension to File Petition for Rate Increase ("Motion"). In its Motion, CCUC requests leave to file its Petition on or before August 6, 2010. The Company also represents that it will continue all "normal and customary

operations" in the interim and that it "is assured of financing to maintain the current level of service" pending the filing of the Petition.¹

NOW THE COMMISSION, upon consideration of this matter, finds it appropriate to establish an abbreviated schedule for the filing of pleadings associated with the Motion.

Accordingly, IT IS ORDERED THAT:

- (1) Any response to the Motion shall be due on or before July 6, 2010.
- (2) Any reply in support of the Motion shall be due on or before July 9, 2010.
- (3) The Company may defer filing its Petition pending further order of this Commission.
- (4) The Company is directed to continue providing adequate service to its customers and shall not cease or reduce water or wastewater service pending further orders of the Commission.
- (5) This case is continued.

AN ATTESTED COPY hereof shall be sent via electronic mail to: Douglas E. Kahle, Esquire, and Mark R. Baumgartner, Esquire, Pender & Coward, 222 Central Park Avenue, Suite 400, Virginia Beach, Virginia 23462; Dr. Karen Remley, Commissioner of Health, Virginia Department of Health, P.O. Box 2448, Richmond, Virginia 23218-2448; David K. Paylor, Director, Virginia Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, Virginia 23218; Wilbur Bowden, President, Captain's Cove Golf and Yacht Club, 3370 Captains Corridor, Greenbackville, Virginia 23356; Michael Inman, Esquire, and Elizabeth M. Dietzmann, Esquire, Inman & Strickler, P.L.C., 575 Lynnhaven Parkway, Suite 200, Virginia Beach, Virginia 23452-7350; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, the Office of Attorney General, 900 East

¹ Motion at 2.

Main Street, 2nd Floor, Richmond, Virginia 23219; and a copy shall be delivered to the Commission's Office of General Counsel and Division of Energy Regulation.