

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 18, 2010

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

v.

CAPTAIN'S COVE UTILITY COMPANY, INC.

CLERK'S OFFICE
2010 JUN 18 P 3:00

DOCUMENT CONTROL

CASE NO. PUE-2010-00062

ORDER SCHEDULING HEARING

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, Va. Code § 56-265.13:1 *et seq.* 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.

Although the Commission initially scheduled a hearing associated with the Injunction and Rule on June 18, 2010, the Commission subsequently postponed the hearing generally in response to a motion filed by CCUC.¹ The Company remains obligated to continue providing water and wastewater service to its customers in accordance with the Injunction and Rule.

NOW THE COMMISSION, upon consideration of this matter, finds it appropriate to reschedule the hearing associated with the Injunction and Rule. At such hearing, the Commission will hear from CCUC and the Commission Staff, and will also receive public witness testimony if offered.

¹ See Company's Motion and Commission's Order, wherein the Commission granted the continuance, both of which were dated June 17, 2010.

Accordingly, IT IS ORDERED THAT:

(1) A public hearing shall be convened on June 23, 2010, at 1:00 p.m., in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia to receive evidence in this matter.

(2) 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.

(3) This case is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the registered agent for the Company, Douglas E. Kahle, Esquire, Pender & Coward, 222 Central Park Avenue, Suite 400, Virginia Beach, Virginia 23462; and copies shall also 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, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and a copy shall be delivered to the Commission's Office of General Counsel.

A True Copy
Teste:


Clerk of the
State Corporation Commission