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EMMER DEVELOPMENT CORP.

BUILDERS AND DEVELOPERS

2801 S.W. Archer Road • Gainesville, Florida 32608 • (352) 376-2444
Fax (352) 376-2260

January 6, 1997

Via UPS Overnight Delivery

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, FL 32399-0850

Re: Application for Certificate to Operate a Water and Wastewater Utility in Polk
County by Garden Grove Water Company, Inc., Docket No. **961299-WS**

Dear Ms. Bayo:

Enclosed for filing in the docket referenced above are the original and 15 copies each of Emmer
Development Corp.'s Motion to Dismiss Board of County Commissioners of Polk County's
Petition for Leave to Intervene and Request for Oral Argument. Please acknowledge your receipt
of these filings on the enclosed copy of this letter.

Thank you for your consideration.

Sincerely,

EMMER DEVELOPMENT CORP.

Claude R. Moulton
CLAUDE R. MOULTON
GENERAL COUNSEL

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
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- OPC _____
- RCH _____
- SEC _____
- WAS _____
- OTH _____

Enclosure

CRM/tm

cc: Kathleen Johnson, Esq.
Wayne Schiefelbein, Esq.
Albert C. Galloway, Jr., Esq.
Mark F. Carpanini, Esq.

Bolder Honorable Terry Deason, Prehearing Officer

request oral argument DOCUMENT NUMBER - DATE *Learn to intervene* DOCUMENT NUMBER - DATE

00154 JAN-75 00153 JAN-75

FPSC-RECORDS/REPORTING FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Certificate)
to Operate a Water and Wastewater)
Utility in Polk County by Garden)
Grove Water Company, Inc.)

Docket No. 961299-WS
Filed: January 7, 1997

EMMER DEVELOPMENT CORP.'S REQUEST FOR ORAL ARGUEMENT

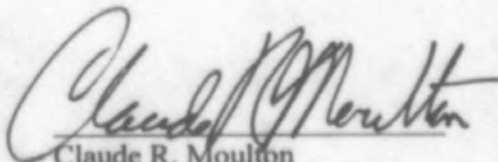
Pursuant to Florida Administrative Code Rule 25-22.058, EMMER DEVELOPMENT CORP. ("Emmer") hereby submits this Request for Oral Argument on the Board of County Commissioners of Polk County's ("Polk County") Petition for Leave to Intervene (the "Petition") in the above captioned matter. Contemporaneously with this Request, Emmer is filing its Motion to Dismiss Polk County's Petition.

Oral argument would be beneficial in aiding the Commission in comprehending and evaluating the issues raised in Polk County's Petition and Emmer's Motion to Dismiss. Oral argument will allow Emmer and Polk County to present and fully argue their respective positions on Polk County's standing. Oral argument will also allow the Commission to ask questions that may be helpful in resolving the procedural issues raised in this proceeding.

WHEREFORE, Emmer respectfully request that it be granted oral argument in response to Polk County's Petition.

- ACK _____
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Respectfully submitted,
EMMER DEVELOPMENT CORP.

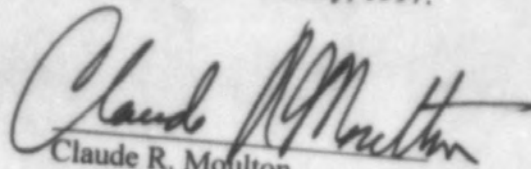


Claude R. Moulton
General Counsel
Florida Bar No. 84207
2801 SW Archer Road
Gainesville, Florida 32608
(352) 376-2444

DOCUMENT NUMBER-DATE
00154 JAN-75
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by United States mail to Kathleen Johnson, Staff Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; Wayne Schiefelbein, Gatlin, Woods & Carlson, 1709-D Mahan Drive, Tallahassee, Florida 32308; Albert C. Galloway, Jr., Bradley Johnson Law Firm, P.A., P.O. Box 1260, Lake Wales, Florida 33859-1260; and Mark F. Carpanini, Polk County, P.O. Box 9005, Drawer AT01, Bartow, Florida 33831-9005, this 6th day of January, 1997.


Claude R. Moulton

C5:\word\winteraven\motiontodismiss 1/6/97