

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in  
wastewater rates in Monroe County  
by KW Resort Utilities, Corp.

Docket No. 070293-SU

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**KW RESORT UTILITIES' EMERGENCY  
STIPULATED MOTION FOR CONTINUANCE**

KW Resort Utilities ("KW" or "the Utility"), by and through undersigned counsel, hereby files this Emergency Stipulated Motion for Continuance and in support thereof would state and allege as follows:

1. This matter is currently set for hearing on February 6-7, 2008 in Key West, Florida. Several intensive matters, including the drafting and filing of rebuttal testimony and exhibits, the drafting and filing of prehearing statements, the attendance at the prehearing conference, the response to additional pending staff discovery, and numerous depositions, are all either scheduled or will require the attendance of counsel between now and the time of hearing. Each of these tasks will be labor intensive and expensive for both KW and the public entities involved in this case, the

CMP \_\_\_\_\_ Commission and the Office of Public Counsel.

COM \_\_\_\_\_ 2. Currently, certain discussions are occurring between the Utility and a public entity

CTR \_\_\_\_\_  
ECR \_\_\_\_\_ regarding the possibility of sale of the Utility. The sale of the Utility would render this rate case

GCL \_\_\_\_\_ moot, and any further monies, time, and effort expended in furtherance of this rate case would

OPC \_\_\_\_\_ constitute a nullity and a waste of money and man hours. Continuance of this case, such that the

RCA \_\_\_\_\_  
SCR \_\_\_\_\_ status quo is preserved for all parties, would allow such man hours and monies to be saved, and

SGA \_\_\_\_\_ would promote judicial economy, such that the current discussions involving the potentiality of the

SEC \_\_\_\_\_

OTH \_\_\_\_\_

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sale of KW may continue without distraction.

3. Neither any party nor the public will be prejudiced by a continuance of this matter. OPC has stipulated to the continuance of this case, and expressed only the concern that the status quo be maintained and that the critical dates be delayed such that no opportunity to engage in discovery, file prehearing statements, etc. by any party will be missed or waived or otherwise forfeited.

4. Because the rebuttal testimony and exhibits of KW are due on January 15, 2008, and because various discovery matters are pending or currently occurring, each day this week is a very intensive and expensive endeavor to KW. Thus, if at all possible, the Prehearing Officer, and ultimately the Chairman, are respectfully requested to turn their attention to this matter on an emergency basis.

WHEREFORE, and in consideration of the above, KW respectfully requests that this matter be continued for a period of at least 60 days, and that KW be directed to apprise the Prehearing Officer, as well as the staff and OPC, of the status of these matters no less than 30 days from the date of the Order granting this continuance.

Respectfully submitted this 27<sup>th</sup> day of  
January, 2008, by:




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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Hand Delivery to the following this 27<sup>th</sup> day of January, 2008:

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