

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificates 611-W and 527-S to extend water and wastewater service areas to include certain land in Charlotte County by Sun River Utilities, Inc. (f/k/a MSM Utilities, LLC).	DOCKET NO. 070109-WS ORDER NO. PSC-07-0807-PCO-WS ISSUED: October 4, 2007
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ORDER GRANTING IN PART AND DENYING IN PART COUNTY'S MOTION FOR
EXTENSION OF TIME
AND
SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE

By Order No. PSC-07-0452-PCO-WS (Order Establishing Procedure), issued May 29, 2007, the objection of Charlotte County (County) to the amendment application of Sun River Utilities, Inc. (Sun River or utility) was scheduled for formal hearing to be held on November 1 and 2, 2007, with a Prehearing Conference scheduled for October 15, 2007. The Order Establishing Procedure also set the controlling dates for this case and initially required the County's testimony and exhibits to be filed on August 27, 2007.

Subsequent to the issuance of the Order Establishing Procedure, Sun River determined that one of its main witnesses had a commitment that would take him out of the country from October 20, 2007 to November 11, 2007. All parties agreed that a continuance should be granted. Therefore, by Order No. PSC-07-0662-PCO-WS, issued on August 16, 2007, the utility's Motion for Continuance was granted. Additionally, the Prehearing Conference was rescheduled for January 3, 2008, and the hearing was rescheduled for January 16 and 17, 2008. Accordingly, the controlling dates governing the case were revised and the time for the filing of the County's testimony and exhibits was reset for October 16, 2007.

On September 12, 2007, the County retained additional counsel, and the Notice of Appearance was filed that same day. On October 1, 2007, the County filed its Motion for Extension of Time to File Testimony and Exhibits (Motion), in which it requests a two-week extension to October 30, 2007, to file its testimony and exhibits. In support of its Motion, the County states that the complexity of this matter (combined with their attorneys' recent appearance), and their attorneys' current caseload, which includes an out-of-town trial on October 9, 2007, warrants an extension. Also, the County states that it "may be filing dispositive motions which would negate the necessity for further activity toward the scheduled hearing."

The utility filed its response opposing the County's Motion on October 2, 2007. In its response, the utility argues that the protest was filed on March 16, 2007, and the County waited until September 12, 2007, approximately six months later, to hire outside counsel. Therefore, the utility argues that the recent appearance of counsel should not be grounds for an extension of time. Also, the utility states that there is nothing especially complex about this contested amendment proceeding. Finally, the utility notes that its rebuttal testimony would then be due on

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December 14, 2007, and that the County would probably want to schedule depositions after that and before the January 9, 2008, discovery deadline, which would be in the middle of the holidays.

Considering the above, and noting that the Prehearing Conference is not until January 3, 2008, and that counsel for the County has an out-of-town hearing on October 9, 2007, it appears that an extension of time for the filing of testimony and exhibits is warranted. However, the time for filing Protester's/Intervenor's testimony and exhibits shall be extended by only 10 days. Therefore, the County's testimony and exhibits shall be filed on October 26, 2007. Also, the time for filing staff's testimony and exhibits and the filing of rebuttal testimony and exhibits shall also be extended by 10 days.

Accordingly, the controlling dates governing this case are revised as set forth below.

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| (1) Protester's/Intervenor's
Testimony and exhibits | October 26, 2007 |
| (2) Staff's testimony and exhibits, if any | November 19, 2007 |
| (3) Rebuttal testimony and exhibits | December 10, 2007 |
| (4) Prehearing Statements | December 14, 2007 |
| (5) Prehearing Conference | January 3, 2008 |
| (6) Discovery deadline | January 9, 2008 |
| (7) Hearing | January 16-17, 2008 |
| (8) Briefs | February 7, 2008 |


Based upon the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that Charlotte County's Motion for Extension of Time to File Testimony and Exhibits is granted in part and denied in part as set forth in the body of this Order. It is further

ORDERED that the revised controlling dates set forth in the body of this Order shall govern this case. It is further

ORDERED that all other provisions of Order No. PSC-07-0452-PCO-WS are hereby reaffirmed.

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 4th
day of October, 2007.


KATRINA J. MEMURRIAN
Commissioner and Prehearing Officer

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.