



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Rate Increase) Docket No.: 900816-WS  
in Martin County by SAILFISH POINT) Submitted for filing:  
UTILITY CORPORATION ) May 31, 1991  
\_\_\_\_\_)

UTILITY'S CONTINGENT MOTION  
FOR EXTENSION OF TIME  
TO FILE REBUTTAL TESTIMONY AND EXHIBITS  
IN RESPONSE TO  
WITNESS ROGER W. RASMUSEN

COMES NOW Sailfish Point Utility Corporation, Petitioner for a rate increase in the above styled proceeding, and in support of its motion states that:

1. Witness Roger W. Rasmusen has prefiled testimony and exhibits on behalf of the Sailfish Point Property Owners Association (SPOR).

2. On May 24, 1991, the Utility filed a Motion in Limine to Strike Certain Testimony and Exhibits of Witness Roger W. Rasmusen.

3. The rebuttal testimony of the Utility's witness, Mr. Frank Seidman, contains a short statement and an exhibit (the Special Warranty Deed) showing that the Utility, in fact, is the owner of the property which it claims to be in rate base, including but not limited to the mains and lines. However, if the testimony of Witness Rasmusen and his "1,000 pages of exhibits" is allowed to remain in this proceeding, it would require extensive additional rebuttal to show how the testimony misstates the facts, selectively quotes from the documents, and is in error.

4. If the Prehearing Officer grants the Utility's Motion in Limine there will be no need for the Utility to file additional rebuttal testimony to Roger W. Rasmusen's testimony and exhibits.

However, for the Utility to expend the additional time and money necessary to rebut Witness Rasmusen's testimony and exhibits, point by point, before a ruling on the Utility's Motion, would risk a substantial expenditure of funds by the Utility as a rate case expense which may prove to be unnecessary.

WHEREFORE, Sailfish Point Utility Corporation moves for an order granting an extension of time of 14 calendar days after the date of the ruling on its Motion in Limine to Strike, contingent upon that ruling, so that if any portion of the Utility's Motion to Strike is denied, the Utility will have an opportunity to respond in detail to the testimony and exhibits of Witness Rasmusen.

Respectfully submitted this 31st day of May, 1991.



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Ben E. Girtman  
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Attorney for  
Sailfish Point Utility Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to Stephen C. Reilly, Esq., Office of Public Counsel, 111 West Madison Street, 812 Claude Pepper Building, Tallahassee, FL 32399-1400, Wm. Reeves King, Esq., 500 Australian Avenue So., Suite 600, Clearlake Plaza, West Palm Beach, FL 33401, and Catherine Bedell, Esq., Florida Public Service Commission, Division of Legal Services, 101 East Gaines Street, Tallahassee, FL 32399-0873 by U.S. Mail, this 31st day of May, 1991.



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Ben E. Girtman