

IN THE FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA

SOUTHERN STATES UTILITIES, INC.,)
Appellant/Cross-Appellee,)
v.)
FLORIDA PUBLIC SERVICE COMMISSION,)
Appellee/Cross-Appellant,)
- and -)
CITIZENS OF THE STATE OF FLORIDA,)
Appellees/Cross-Appellants,)
- and -)
CITY OF KEYSTONE HEIGHTS and MARION)
OAKS CIVIC ASSOCIATION,)
Appellees/Cross-Appellants.)

Case Nos. 96-3334 and 96-3454 Consolidated

CITY OF KEYSTONE HEIGHTS' AND MARION OAKS CIVIC ASSOCIATION'S RESPONSE TO SOUTHERN STATES UTILITIES, INC.'S MOTION TO EXPEDITE

Pursuant to rule 9.300, Florida Rules of Appellate Procedure, the City of

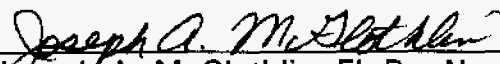
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Keystone Heights and the Marion Oaks Civic Association (Keystone/Marion) file their response to Southern States Utilities, Inc.'s (SSU) Motion to Expedite, and state:

1. Ostensibly, SSU's Motion to Expedite is based, in part, on its desire to end customer confusion and uncertainty regarding the rates they must pay. The concern for customers which SSU expresses is ironic, inasmuch as SSU's appeal of the Commission's refund order is the only barrier standing in the way of the "rate stability" that it purports to seek. One obvious purpose of the motion is to rehearse

SSU's arguments before the Court prior to the filing of briefs. Keystone/Marion object to the transparently argumentative portions of SSU's pleading ("inconceivable obligation"; "saddled with a heretofore unknown refund") and ask the Court to disregard them.

2. While Keystone/Marion do not object to the Court's expedited consideration of this appeal, they request that adequate time be provided for the significant amount of work that must be done to properly present the case in briefs. SSU used 50 days to write its initial brief (before it was required by the Court to provide an amended brief). As Cross-Appellants, Keystone/Marion must write an initial brief and an answer brief. Therefore, Keystone/Marion request that their combined answer and initial brief be due no earlier than November 26 (20 days from the filing of SSU's amended brief) and that they be given at least 15 days to prepare their cross-reply brief. Additionally, SSU has further complicated the briefing process by serving the various parties in this case with its amended brief by different methods (some by hand, some by overnight delivery, some by mail). Keystone/Marion requests the Court to require all answer briefs to be filed on the same date.


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to Southern States Utilities, Inc.'s Motion to Expedite was furnished by U.S. Mail to the following on the 13th day of November, 1996:

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