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December 4, 1996

Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

HAND DELIVERY

Re: Docket No. 961299-WS
Application for Grandfather Certificates to Provide Water and
Wastewater Service in Polk County by Garden Grove Water
Company, Inc.

Dear Ms. Bayo:

Enclosed on behalf of Garden Grove Water Company, Inc., for
filing in the above docket are an original and fifteen copies of an
unopposed Motion For Five-Day Extension of Time.

Please acknowledge receipt of the foregoing by stamping the
enclosed extra copy of this letter and returning same to my
attention. Thank you for your assistance.

Sincerely,

Wayne L. Schiefelbein
Wayne L. Schiefelbein

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 1 WLS/adw
Enclosures
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS Golden
- OTH _____

ec w/encl Charles J. Rehwinkel

DOCUMENT NUMBER-DATE
12890 DEC-4 96
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Grandfather)
Certificates to Provide Water and)
Wastewater Service in Polk County)
by Garden Grove Water Company, Inc.)

Docket No. 961299-WS
Filed: December 4, 1996

UNOPPOSED MOTION FOR FIVE-DAY EXTENSION
OF TIME

Garden Grove Water Company, Inc. (Applicant) requests a five-day extension of time within which to file its answer or response to "Emmer Development Corp.'s Petition for Leave to Intervene, Request for Proposed Agency Action Procedures and Response to Garden Grove Water Company's Application for a Grandfather Certificate" (the Petition) and/or any motions in opposition to said Petition, and in support states the following.

1. On October 29, 1996 the Applicant filed the above-captioned water and wastewater grandfather certificate application with the Commission. This docket was thereupon opened.
2. On Wednesday, November 27, 1996, at some time subsequent to 2:50 p.m., a courier for counsel for Emmer Development Corporation (Emmer) hand-delivered its Petition to the office of the undersigned counsel. The undersigned counsel had left his office for the Thanksgiving holidays at 2:50 p.m.
3. On Monday morning, December 2, 1996, the undersigned counsel returned to his office and first learned of the existence of

DOCUMENT NUMBER-DATE

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the Petition.

4. John G. Wood, Jr., Vice President for the Applicant, who is the individual with supervisory responsibility for the instant application, was out of his office on Monday, December 2, 1996, and did not learn of the existence of the Petition until Tuesday morning, December 3, 1996.
5. The Petition, consisting of 15 pages, raises numerous and substantial factual and legal arguments on the relief therein sought, including intervention by Emmer. These arguments require analysis and research for preparation of an adequate response.
6. The undersigned counsel consulted with Staff Counsel Kathy Johnson on December 2, 1996. Ms. Johnson conveyed the Staff position that under Commission rules, particularly Florida Administrative Code Rule 25-22.037(2)(b), any response to the Petition would be required within seven (7) days after service thereof. Under this approach, the Applicant's response would be due on Wednesday, December 4, 1996.
7.
 - a) The Applicant does not agree with Staff's analysis. Florida Administrative Code Rule 25-22.037(2)(b) addresses in pertinent part written memoranda in opposition to a written motion.
 - b) The instant controversy involves a Petition for Leave to Intervene (and other relief), expressly filed pursuant to

Rules 25-22.036(7) and 25-22.039. The former rule governs initial pleadings, including petitions, while the latter rule governs petitions for leave to intervene, cross-referencing the former rule.

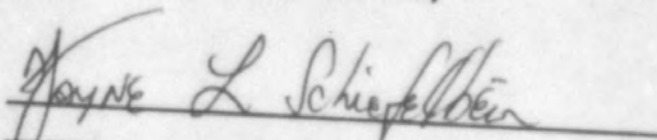
- c) Answers to a petition and motions in opposition to initial pleadings (including petitions) are required to be filed within twenty (20) days of service of the petition. See Florida Administrative Code Rule 25-22.037(1) and (2)(a).
8. a) Even if Commission Staff's interpretation of the rules is accepted, under the circumstances of this instant controversy, an extension of time for filing the Applicant's answer or response to the Petition, and/or any motion in opposition to said Petition, would be within the discretion of the Prehearing officer.
- b) The Applicant is unable through all due diligence to prepare and file its answer or response to the Petition, and/or any motions in opposition thereto, by December 4, 1996. It is not feasible or fair to require strict adherence to said rule for filing such responsive pleadings or motions.
9. Based on the circumstances of this controversy, the Applicant

requests a five-day extension of time within which to file its responsive pleading and/or motion in opposition to the Petition.

10. Prior to filing the instant Motion, the undersigned counsel consulted with counsel for Emmer, who indicated he would not oppose a five-day extension of time for Applicant to file its responsive pleading and/or motion.

Wherefore, the Applicant, Garden Grove Water Company, Inc., requests a five-day extension of time within which to file its responsive pleading and/or motion in opposition to the aforesaid Petition and request for other relief filed by Emmer Development Corp., up to and including Monday, December 9, 1996.

Respectfully submitted,

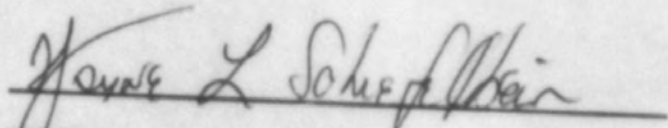


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Attorneys for Garden Grove Water
Company, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to D. Bruce May, Esquire, Holland & Knight, P.O. Drawer 8810, Tallahassee, Florida, 32302 and to Kathy Johnson, Esquire, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850 on this 4th day of December, 1996.


WAYNE L. SCHIEFELBEIN