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December 16, 1996

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D. BRUCE MAY
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Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, FL 32399-0850

Via Hand Delivery

Re: In re: Application for certificate to operate a water and wastewater utility in Polk County by Garden Grove Water Company, Inc.,
Docket No. **961299-WS**

Dear Ms. Bayo:

Enclosed for filing in the docket referenced above are the original and 15 copies of Emmer Development Corp.'s Memorandum in Opposition to Garden Grove Water Company, Inc.'s Motion to Dismiss, and Emmer Development Corp.'s Request for Oral Argument. For purposes of our records, please acknowledge your receipt of this filing on the enclosed copy of this letter.

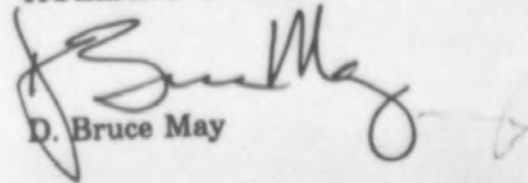
This letter also serves to notify of a typographical error in Emmer Development Corp.'s Petition for Leave to Intervene, Request for Proposed Agency Action Procedures and Response to Garden Grove Water Company's Application for a Grandfather Certificate filed in the above-referenced docket on November 27, 1996. In the third sentence of paragraph 24 on page 11, the phrase "is more than 200%" should read "is more than 130%". Please note this correction.

- ACK
- AFA
- APP
- CAF
- CMU
- CTR
- EAG
- LEG
- LIN
- OPC
- RCH
- SEC
- WAS
- OTH

Thank you for your consideration in this matter.

Sincerely,

HOLLAND & KNIGHT



D. Bruce May

Enclosure
DBM/sms

DOCUMENT NUMBER - DATE
13365 DEC 16 96
FPSC-RECORDS/REPORTING

DOCUMENT NUMBER - DATE
13364 DEC 16 96
FPSC-RECORDS/REPORTING

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for each filing*

Ms. Blanca S. Bayo, Director
December 16, 1996
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cc: All parties of record
Claude Moulton, Esq.

TAL-97452

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for certificate)
to operate a water and wastewater)
utility in Polk County by Garden)
Grove Water Company, Inc.)

Docket No. **961299-WS**
Filed: December 16, 1996

EMMER DEVELOPMENT CORP.'S REQUEST FOR ORAL ARGUMENT

Emmer Development Corp. ("Emmer"), by and through undersigned counsel, pursuant to Rule 25-22.058, Florida Administrative Code, hereby submits this Request for Oral Argument on Garden Grove Water Company, Inc.'s ("Garden Grove"'s) Motion to Dismiss Emmer's Petition to Intervene (the "Motion to Dismiss"). Contemporaneously herewith, Emmer is filing its Memorandum in Opposition to Garden Grove's Motion to Dismiss. In support of its Request for Oral Argument, Emmer states:

1. On May 14, 1996, the Board of County Commissioners of Polk County, Florida adopted a resolution pursuant to Section 367.171, Florida Statutes, declaring that water and wastewater utilities in Polk County are subject to the jurisdiction of the Florida Public Service Commission (the "Commission"). The Commission acknowledged the transfer of jurisdiction effective May 14, 1996, by Order issued July 11, 1996. In re: Resolution of Board of Commissioners of Polk County declaring Polk County subject to provisions of Chapter 367, F.S., 96 F.P.S.C. 7:311, 312, Docket No. 960674-WS, Order No. PSC-96-0896-FOF-WS (July 11, 1996).

2. On October 29, 1996, Garden Grove filed an Application for Grandfather Certificate (the "Application") with the Commission. Garden Grove's Application

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describes the area to be served to include Emmer's property in Sections 18 and 19 of Township 29 South, Range 27 East, Polk County, Florida (the "Emmer Property.").

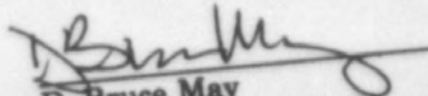
3. On November 27, 1996, Emmer filed a Petition for Leave to Intervene, Request for Proposed Agency Action Procedures, and Response to Garden Grove Water Company's Application for Grandfather Certificate.

4. On December 9, 1996, Garden Grove filed a Motion to Dismiss Emmer Development Corp's Petition for Leave to Intervene and Response to Emmer Development Corp's Request for Proposed Agency Action Procedures and Response To ... Application for a Grandfather Certificate. The fundamental issues raised in Garden Grove's Motion to Dismiss and Emmer's Memorandum in Response are: (a) whether Emmer has standing to intervene in this proceeding; and (b) whether Garden Grove may seek certification to serve the Emmer Property through a grandfather certification proceeding.

5. Oral argument would be beneficial in aiding the Commission in comprehending and evaluating the issues raised in Garden Grove's Motion to Dismiss and Emmer's Memorandum in Response. Oral argument will allow Garden Grove and Emmer to present and fully argue their respective positions on Emmer's standing. Oral argument will also allow the Commission to ask questions that may be helpful in resolving the procedural issues raised in this proceeding.

WHEREFORE, Emmer respectfully requests that it be granted oral argument in response to Garden Grove's Motion to Dismiss.

Respectfully submitted,

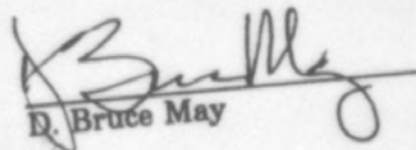


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**Attorneys for Emmer
Development Corp.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by United States Mail to Kathleen Johnson, Staff Counsel, Florida Public Service Commission 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 and Wayne Shiefelbein, Gatlin Woods & Carlson, 1709-D Mahan Drive, Tallahassee, Florida 32308 this 16th day of December, 1996.



D. Bruce May

TAL-97658