

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 21, 1996)

CITY OF LAKE WALES' REQUEST FOR ORAL ARGUMENT

The City of Lake Wales ("Lake Wales"), 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 City of Lake Wales' Petition to Intervene (the "Motion to Dismiss"). Contemporaneously herewith, Lake Wales is filing its Memorandum in Opposition to Garden Grove's Motion to Dismiss (the "Memorandum in Opposition"). In support of its Request for Oral Argument, Lake Wales 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).

1. On October 29, 1996, Garden Grove filed an Application for Grandfather Certificate (the "Application") with the Commission. Garden Grove's Application describes the area to be served to include Emmer Development Corp.'s ("Emmer's") property in Sections 18 and 19 of Township 29 South, Range 27 East, Polk County, Florida (the "Emmer Property.").

2. Lake Wales desires to provide water and wastewater service to the Emmer Property. Lake Wales' facilities are closer to the Emmer Property than Garden Grove's facilities and Lake Wales can serve the Emmer Property at less cost.

3. On December 11, 1996, Lake Wales filed a Petition for Leave to Intervene in this proceeding.

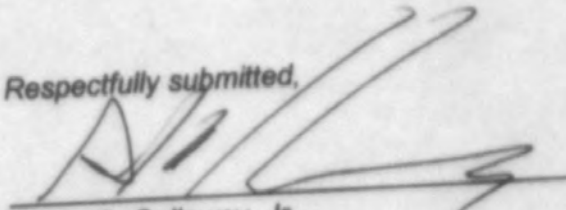
4. On December 17, 1996, Garden Grove filed its Motion to Dismiss. The primary issue raised in Garden Grove's Motion to Dismiss and Lake Wales' Memorandum in Opposition is whether Lake Wales has standing to participate in this proceeding.

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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 Lake Wales' Memorandum in Opposition. Oral argument will allow Garden Grove and Lake Wales to present and fully argue their respective positions on Lake Wales' 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, Lake Wales respectfully requests that it be granted oral argument in response to Garden Grove's Motion to Dismiss.

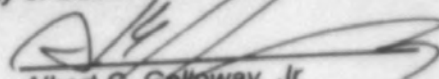
Respectfully submitted,



Albert C. Galloway, Jr.
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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 Schiefelbein, Gatlin Woods & Carlson, 1709-D Mahan Drive, Tallahassee, Florida 32308, and D. Bruce May, Holland & Knight, P.O. Drawer 810, Tallahassee, Florida 32302, this 27 day of December, 1996.



Albert C. Galloway, Jr.

TAL-98422