

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment )  
of Certificate No. 427-W to add )  
territory in Marion County by ) Docket No. 960867-WU  
Windstream Utilities Company. )  
\_\_\_\_\_ )

MOTION TO DISMISS PROTESTS

Applicant, WINDSTREAM UTILITIES COMPANY ("Windstream"), by and through its undersigned attorneys, files this Motion to Dismiss the Protests which have been filed in the above-referenced docket and in support thereof states:

1. In July, 1996, Windstream simultaneously filed two separate applications with the Commission for extensions of its water service area. One was designated by the Commission Clerk as the above-captioned docket, and the other was assigned Docket No. 960866-WU. Apparently letters received by the Commission Clerk regarding these proceedings were filed in both dockets without regard to which docket included the particular protestant's property location. Windstream has voluntarily

dismissed its application in Docket no. 960866-WU, and its only remaining territory extension is the above-captioned docket.

- 2. The following protests have been filed in this docket:
  - a. Petition of 34 residents.
  - b. Joseph Lettelleir/J.B. Ranch - formal protest.
  - c. Ausley Construction Co., Inc. letter.
  - d. Diane and James Mace letter.

ACK  \_\_\_\_\_  
 AFA \_\_\_\_\_  
 APP \_\_\_\_\_  
 CAF \_\_\_\_\_  
 CMU \_\_\_\_\_  
 CTR \_\_\_\_\_  
 EAG \_\_\_\_\_  
 LEG 1 \_\_\_\_\_  
 LIN 3 \_\_\_\_\_  
 OPC \_\_\_\_\_  
 RCH \_\_\_\_\_  
 SEC 1 \_\_\_\_\_  
 WAS 1 \_\_\_\_\_  
 OTH \_\_\_\_\_

RECEIVED & FILED

FPSC BUREAU OF RECORDS

ROSE, SUNDSTROM & BENTLEY

2548 BLAIRSTONE PINES DRIVE, TALLAHASSEE, FLORIDA 32301

DOCUMENT NUMBER-DATE

13777 DEC 30 88

FPSC-RECORDS/REPORTING

3. The protests specifically referenced in paragraph 2 above should be dismissed since the protests are not from persons substantially affected by this docket.

a. The petition filed by 34 residents has attached to it the legal description in Docket No. 960866-WU, not the legal description in this Docket. Further, the Petitioners are all purportedly residents of the Country Garden subdivision, which is not located within the territory described in the application filed in this docket.

b. Joseph Lettelleir filed a formal petition on behalf of J.B. Ranch for a formal administrative hearing. All of the allegations of the substantial interests alleged that would affect J.B. Ranch have been removed since Windstream has amended its application in this Docket to remove the J.B. Ranch property from this docket.

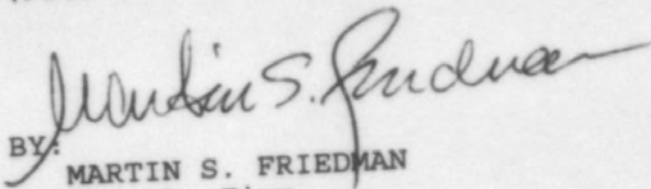
c. The letter from Ausley Construction Co., Inc. specifically objected to Windstream extending into Lemmonwood II subdivision. This subdivision is located within the property described in Docket No. 960866-WU and not this Docket.

d. Attached to the letter of Diane and James Mace is the legal description of the property described in Docket No. 960866-WU and not the instant docket. The Maces did not otherwise describe where the property in question was located, nor did they include a return address. However, from the legal description attached to their letter, it is clear that their property is not within that covered by this Docket.

WHEREFORE, Windstream requests that this Commission dismiss the protests of the 34 residents of Country Garden subdivision, Mr. Lettelleir on behalf of J.B. Ranch, Ausley Construction Co., Inc., and Mr. and Mrs. Mace, and that this Docket be handled administratively without the necessity for a hearing.

Respectfully submitted on this  
30th day of December, 1996, by:

ROSE, SUNDSTROM & BENTLEY  
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BY:   
MARTIN S. FRIEDMAN  
For the Firm

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**CERTIFICATE OF SERVICE**

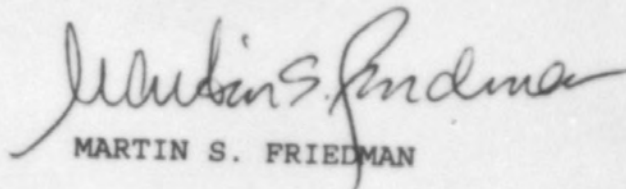
Docket No. 960867-WU

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties this 30th of December, 1996.

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