

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificate No. 427-W to add territory in Marion County by Windstream Utilities Company.

Docket No. 980887-WU

MARION COUNTY'S RESPONSE TO WINDSTREAM UTILITIES' SECOND MOTION FOR EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY and MARION COUNTY'S REQUEST FOR EXTENSION OF TIME

Intervenor, MARION COUNTY, FLORIDA ("Marion County"), by and through its undersigned counsel and pursuant to Florida Administrative Code Rule 25-22.037(2), files its Response to Windstream's Second Motion for Extension of Time to File Rebuttal Testimony, and moves for an extension of time for the remaining four dates set forth in the Order Establishing Procedure. Marion County is not opposed to extending the date for filing Windstream's rebuttal testimony so long as all other dates following that date provided

ACK _____ in the original Order Establishing Procedure are extended an equal amount of time or such
AFA _____ other time as deemed just, fair, and convenient by the Presiding Officer. Therefore, Marion
APP _____
CAF _____ County requests that if the Presiding Officer sees fit to grant what is in essence a 56-day
CMU _____ extension to the Applicant's initial requirement to file rebuttal testimony and exhibits, the
CTR _____
EAG _____ remaining four due dates for pre-hearing statements, pre-hearing conference, hearing, and
LEG 1 briefs be extended a like period of time. In support thereof the County states as follows:
LWS 3

- 1. Windstream mischaracterizes the time period between rebuttal testimony and exhibits and pre-hearing statements as "free time." In reality, this time period (as well as

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the remaining time leading up to the hearing) constitutes a reasonable time in which to conduct discovery and prepare for the hearing.

2. The County timely filed its direct testimony and exhibits on January 9, 1997. The County will be prejudiced in its efforts to adequately prepare for the hearing if it is not accorded the time periods originally set forth in the Order Establishing Procedure. The County stood ready and willing to perform the necessary tasks, but was prevented from doing so by events outside of its control.

3. Finally, it would be fundamentally unfair to grant Windstream's request for extension without modifying the remaining dates in the original Order Establishing Procedure. By virtue of the unauthorized application amendment the Utilities' initial direct testimony has been nullified, in effect, they will be filing new direct testimony under the guise of rebuttal testimony. The County is not requesting that it be permitted to file additional rebuttal testimony; it is merely requesting that the original time periods between the due dates in the original Order Establishing Procedure be maintained.

WHEREFORE, Marion County does not object to Windstream's Second Motion for Extension of Time to File Rebuttal Testimony so long as the controlling dates for the pre-hearing statements, pre-hearing conference, hearing, and brief are extended in like manner. Marion County further requests an extension of time for (1) the submittal of pre-hearing statements from April 21, 1997, to June 16, 1997, (2) the holding of the pre-hearing conference from May 28, 1997, to July 21, 1997, (3) the holding of the hearing from June 18, 1997, to August 11, 1997, and (4) the submittal of briefs from August 4, 1997, to October 13, 1997, or for such other extended period of time as deemed just, fair, and consistent by the Presiding Officer.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and 7 copies, was served via overnight delivery to:

- (1) Blanca S. Bayo, Director
Division of Records and Reporting
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With a copy via overnight delivery/U.S. Mail to:

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this 9th day of April, 1997.



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