

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment )  
of Certificate No. 355-W and 311-S )  
to add territory in Marion County ) Docket No. 971621-WS  
by Rainbow Springs Utilities, L.C. )  
\_\_\_\_\_ )

MOTION FOR EXTENSION OF TIME  
TO FILE DIRECT TESTIMONY

Comes now RAINBOW SPRINGS UTILITIES, L.C. (hereinafter "Rainbow Springs" or "Utility"), by and through its undersigned attorneys, and moves for an extension of time for filing its direct testimony originally established pursuant to the Commission's Prehearing Procedure Order No. PSC-98-0192-PCO-WS issued on January 30, 1998 and in support thereof states as follows:

1. Commission Order No. PSC-98-0192-PCO-WS was issued on January 30, 1998 establishing the controlling dates for various key events in Rainbow Spring's Extension Application proceeding, including the March 2, 1998 due date for the Utility's direct testimony.

2. The Commission's Prehearing Order Establishing Procedure

ACK \_\_\_\_\_ was issued among other things to set key dates for the processing  
AFA \_\_\_\_\_  
APP \_\_\_\_\_ of the Utility's Application after approximately 365 protests to  
CAF \_\_\_\_\_ that Application were received. Each and every one of these  
CMU \_\_\_\_\_ protests is related to service to "The Forest" and/or "The  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_ Woodlands" subdivisions, two areas currently developed with  
LEG \_\_\_\_\_ individual wells and septic tanks.

LIN 3  
OPC \_\_\_\_\_  
RCH \_\_\_\_\_ 3. The undersigned counsel has had numerous telephone  
\_\_\_\_\_ conversations and two meetings with counsel to the Village of

SEC 1 RECEIVED & FILED  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_  
\_\_\_\_\_ FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

02775 MAR-28

FPSC-RECORDS/REPORTING

Rainbow Springs Homeowners Association, Mr. Mike Twomey, Esquire in hopes of resolving this case short of hearing. The latest of those meetings occurred on Friday, February 27, 1998.

4. Within the next two days the undersigned counsel will file, on behalf of Rainbow Springs, a Notice of Restrictive Amendment to its Application in order to exclude both "The Woodlands" and "The Forest" areas from the proposed extension area, contingent upon withdrawal or dismissal of all pending protests. The undersigned counsel believes that such action by the Utility will eliminate all outstanding and valid protests to the Utility's Application and, therefore, make preparing testimony proceeding to formal hearing unnecessary.

5. Under the terms of Order No. PSC-98-0192-PCO-WS, Rainbow Springs extensive direct testimony is due on March 2, 1998. The filing by the Utility of its Notice of Restrictive Amendment to its Application as outlined above will render the filing of such testimony and proceeding to formal hearing unnecessary and inappropriate. The expenditure of funds, at this time, to go forward with the filing of that testimony would, therefore, be inefficient and a wasteful. Rainbow Springs anticipated from previous meetings with counsel to the Homeowners Association that it would likely be willing to eliminate those areas of its Application for which protests were received, and as such, has not moved forward with the drafting of that direct testimony in anticipation of filing such a restrictive amendment. The expendi-

tures of funds to do so under those circumstances would have been imprudent on Rainbow Springs part.

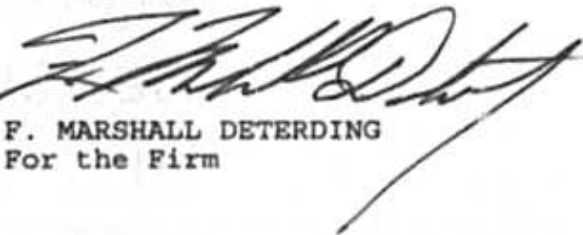
6. The hearing in this case is scheduled for August 6, 1998. Such a schedule, with hearing dates approximately five months away, will allow the Commission to substantially extend the due date for Rainbow Springs direct testimony so as to allow for filing and processing of the restrictive amendment and the anticipated dismissal of all protests which should result. Rainbow Springs agrees that the extension of time for filing of that direct testimony should also apply to allow a similar extension of time for the filing of other parties' testimony in the unlikely event that such filing is necessary after submission of the Utility's Restrictive Amendment to its Application.

WHEREFORE, Rainbow Springs Utilities, L.C. requests that the Florida Public Service Commission extend the due date for the filing of its direct testimony until at least May 15, 1998. No parties will be prejudiced by such a delay and the Utility will be able to avoid the untenable result of having to prepare substantial direct testimony despite the fact that it is anticipated that all protests will be resolved by a Restrictive Amendment to its Application to be filed within the next two days.

Respectfully submitted on this  
2nd day of March, 1998, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
(850) 877-6555

BY:



F. MARSHALL DETERDING  
For the Firm

**CERTIFICATE OF SERVICE**

Docket No. 971621-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing  
has been furnished by U.S. Mail to the following parties this 2nd  
of March, 1998.

Ralph Jaeger, Esquire  
Florida Public Service Commission  
Legal Department  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Mike Twomey, Esquire  
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F. MARSHALL DETERDING

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