

ORIGINAL #44

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA  
JOHN R. ELLIS  
KENNETH A. HOFFMAN  
THOMAS W. KONRAD  
MICHAEL G. MAIDA  
J. STEPHEN MENTON  
R. DAVID PRESCOTT  
HAROLD F. X. PURNELL  
GARY R. RUTLEDGE

POST OFFICE BOX 551, 32302-0551  
215 SOUTH MONROE STREET, SUITE 420  
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788  
TELECOPIER (850) 681-6515

OF COUNSEL:  
CHARLES F. DUDLEY

GOVERNMENTAL CONSULTANTS:  
PATRICK R. MALOY  
AMY J. YOUNG

November 24, 1999

Hon. Joe A. Garcia, Chairman  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 335B-2  
Gerald Gunter Building  
Tallahassee, Florida 32399-0850

HAND DELIVERY

NOV 29 1999

Re: Docket No. 951056-WS  
Application for Rate Increase in Flagler County by Palm Coast Utility Corporation

Dear Chairman Garcia:

Earlier today I filed a Notice of Substitution of Counsel in the above-referenced docket. My firm will be representing Palm Coast Utility Corporation ("Palm Coast") in the remand stage of this proceeding.

The staff has filed a November 18, 1999 recommendation addressing specific issues appealed by Palm Coast and reversed by the First District Court of Appeal for further disposition on remand by the Commission. Obviously, having just gotten involved in this case, I will need a reasonable amount of time to familiarize myself with the underlying record and the appeal prior to addressing the issues on remand. In addition, a preliminary review of the staff recommendation and attached schedules by Florida Water Services Corporation, who recently purchased the assets of the Palm Coast Utility Corporation system, indicates the need to secure copies of staff's working papers used to compile the numbers reflected in the text and schedules of the November 18 recommendation. We will be filing a public records request early next week to that effect. Again, additional time to analyze the work papers, staff's calculations and the numbers in the recommendation will be necessary prior to addressing the Commission in the initial phase of this remand proceeding. With the holidays ahead of us, we expect it will be extremely difficult to accomplish this even prior to the next Agenda Conference in December.

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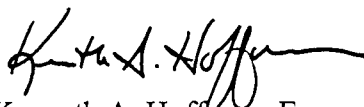
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Accordingly, for these reasons, I am requesting a deferral of Item 44 concerning Palm Coast Utility Corporation from the November 18, 1999 Agenda Conference to the first regularly scheduled Agenda Conference in January, 2000, i.e., until the January 18, 2000 Agenda Conference.

Thank you for your consideration of this request. Copies of this letter have been provided to all parties of record.

Sincerely,



Kenneth A. Hoffman, Esq.

- cc: Jorge Cruz-Bustillo, Esq.  
Mr. William D. Talbott  
Rosanne Gervasi, Esq.  
Jason Fudge, Esq.  
Matthew J. Feil, Esq.  
Jack Shreve, Esq.  
Stephen C. Reilly, Esq.  
Richard Melson, Esq.  
Albert J. Hadeed, Esq.  
Arthur L. Sirkin, Esq.  
Patrick K. Wiggins, Esq.  
Kenneth Gatlin, Esq.  
Kathryn Cowdrey, Esq.

*Staff do not oppose the  
request for deferral.  
Recommend approval.  
MAB*