

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition of D.R. Horton Custom Homes, Inc. for elimination of service availability charges and AFPI charges for Southlake Utilities, Inc.

DOCKET NO. 981609-WS

RECORDS AND REPORTING

In re: Complaint of D.R. Horton Custom Homes, Inc. against Southlake Utilities Inc. in Lake County Regarding Collection of Certain AFPI Charges

DOCKET NO. 980992-WS

D.R. HORTON CUSTOM HOMES, INC.'S RESPONSE TO SOUTHLAKE UTILITIES, INC.'S MOTION FOR EXTENSION OF TIME

COMES NOW D.R. Horton Custom Homes, Inc. (hereinafter "Horton"), pursuant to Rule 28-106.204, F.A.C. and hereby files D.R. Horton Custom Homes, Inc.'s Response to Southlake Utilities, Inc.'s Motion for Extension of Time and in support thereof states as follows:

1. Horton is generally in agreement with the allegations contained in Paragraphs 1 through 6 of the Motion.

2. Horton is in disagreement with the allegations contained in the second half of Paragraph 7 of the Motion. The Motion

contends that:

"In the event that the correct amounts of such charges and refunds, if any, can be determined prior to the preparation of testimony and exhibits as well as prior to the hearing, the Commission, Southlake, and the staff will be able to avoid a great deal of time and expense.

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PPSC-RECORDS & REPORTING

At a minimum, the review of the preliminary findings may result in a reduction of the number of issues to be addressed in testimony and exhibits, and considered by the Commission at hearing, which also will serve to reduce the time and expense for all parties."

Horton does not believe that Southlake's regulatory consultant's preliminary analysis provides any significant changes to bring the parties closer to agreement than prior to the Commission's Order in this proceeding. It primarily constitutes a historical application of those positions to prior years previously argued, along with a couple of new theories or positions. Horton does not believe that further analysis of the Utility's preliminary report can in any way reduce the issues in this case, but in fact the opposite is likely true.

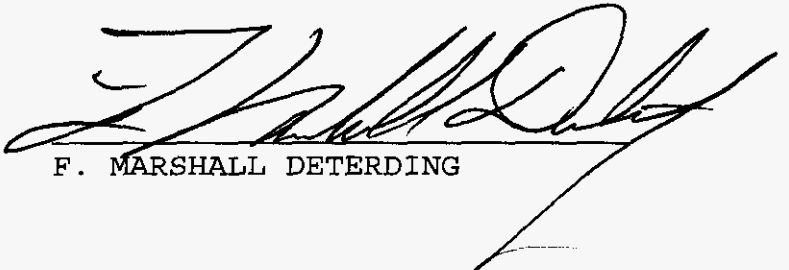
3. Substantial prejudice will occur if Southlake's Request for Extension of Time is granted, not only to Horton, but also to all the other customers and persons entitled to refunds under the Commission's proposed Order. Southlake was ordered within the provisions of the protested Commission action to post proper security for potential refunds as a condition for moving forward with their protest of that Order. Southlake has done nothing further to provide that security and each day that goes by, the amount of the potential refund grows based upon interest alone, and the likelihood of Southlake being able to meet whatever obligations

the Commission ultimately determines it has grows more tenuous. While the Commission has undertaken a Show Cause proceeding to attempt to force Southlake to post appropriate security for potential refunds, to date nothing has been done to enforce the requirements of the Commission's previous Order. A delay of an additional three to four months in the hearing date, only worsens the already unprecedented situation wherein no security for prepayments prior to December 15<sup>th</sup> has been posted. All of Horton's potential refunds are related to such prepayments.

WHEREFORE, D.R. Horton Custom Homes, Inc. requests that the Commission deny the Extension of Time to File Testimony for hearing dates as requested by Southlake.

Respectfully submitted this  
16<sup>th</sup> day of November, 2000, by:

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




F. MARSHALL DETERDING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery\* or Telecopy to the following parties this 16th day of November, 2000.

Samantha Cibula, Esquire\*  
Division of Legal Services  
Florida Public Service Commission  
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F. MARSHALL DETERDING

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