

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint by D.R. Horton )  
Custom Homes, Inc. against )  
Southlake Utilities, Inc. in ) Docket No. 980992-WS  
Lake County Regarding collection )  
of certain AFPI charges. )  
\_\_\_\_\_ )

In re: Emergency petition by )  
D. R. Horton Custom Homes, Inc. ) Docket No. 981609-WS  
to eliminate authority of ) Filed: August 7, 2001  
Southlake Utilities, Inc. to )  
collect service availability )  
charges and AFPI charges in Lake )  
County. )  
\_\_\_\_\_ )

**MOTION TO SHORTEN TIME TO ANSWER INTERROGATORIES**

Comes now, Worthwhile Development II, Ltd. (“Worthwhile”), pursuant to Rule 1.340, Florida Rules of Civil Procedure, and requests the Commission to shorten the time for answering interrogatories and as basis cites:

1. On June 14, 2001 the FPSC issued PAA Order No. PSC-01-1297-PAA-WS and on July 5, 2001 Worthwhile timely filed a protest to the order. Subsequently Worthwhile filed a Motion for Continuance of the Scheduled Hearing to allow the company an opportunity to conduct discovery and prepare its case and presentation. On August 2, 2001 the Commission granted the Continuance but only changed the relevant dates by a limited period. The filing of prefiled testimony from Worthwhile was extended from August 6, 2001 to August 22, 2001 and the prehearing was moved

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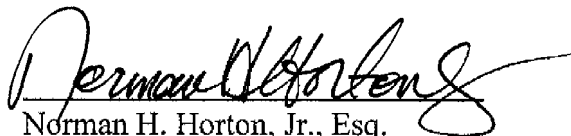
from August 16, 2001 to August 24, 2001 with the hearing rescheduled from August 24, 2001 to September 17, 2001. The short time extension leaves Worthwhile little time to request, receive, review analyze and respond to data that other parties have had months to review and places Worthwhile and its consultants at a severe disadvantage in preparing testimony and positions. Notwithstanding the foregoing, Worthwhile has served Interrogatories on Southlake seeking information essential to the review of Southlake's position and to the preparation of Worthwhile's presentations.

2. Rule 1.340, Florida Rules of Civil Procedure, allows parties 30 days to serve answers or objections to interrogatories but allows the Commission to allow a shorter time. To allow 30 days to respond to the Interrogatories would have answers due well past the date for Worthwhile to file its direct testimony and Worthwhile would not have access to the information for use in preparing its testimony. Under the circumstances it would be appropriate to shorten the time for responses as permitted by Rule 1.340(a).

3. Worthwhile requests that the time for production be shortened to 10 days and for objections to 5 days which would make the production due August 17<sup>th</sup>. That allows Worthwhile only 5 days to review and prepare testimony. Under the circumstances, a due date of August 17<sup>th</sup> would be a "reasonable time" for production.

Wherefore, Worthwhile Development II, Ltd., requests the Commission to grant the motion to shorten time and direct Southlake to answer the interrogatories not later than August 17, 2001.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true and correct copies of the foregoing in Docket Nos. 980992-WS and 981609-WS have been served upon the following parties by Hand Delivery (\*), Facsimile (\*\*), and/or U. S. Mail this 7th day of August, 2001.

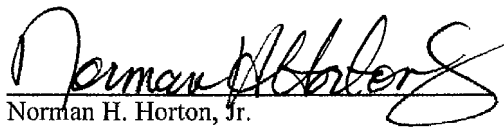
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