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April 3, 2003

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Docket No. 020010-WS

Dear Ms. Bayó:

Enclosed are an original and fifteen copies each of a Motion for PSC to Accept the Timeliness of Response to Petitioners' Withdrawal of Issues and a Response to Withdrawal of Issues for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Stephen C. Burgess
Deputy Public Counsel

SCB/dsb
Enclosures

- AUS _____
- CAF _____
- CMP _____
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MOTION
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted)
rate case in Highlands County by)
the Woodlands of Lake Placid, L.P.)
_____)

DOCKET NO. 020010-WS
FILED: April 3, 2003

**MOTION FOR PSC TO ACCEPT THE TIMELINESS
OF RESPONSE TO PETITIONERS' WITHDRAWAL OF ISSUES**

The Citizens of the State of Florida, through their attorney, the Public Counsel, pursuant to Rule 28-106.204, Florida Administrative Code, hereby file this Motion for the PSC to Accept the Timeliness of Response to Petitioners' Withdrawal of Issues. As grounds, the Citizens state:

1. On March 25, 2003, Petitioners, Hivest Corporation and L.P. Utilities Corporation, filed a pleading entitled "Withdrawal of Issues." Rule 28-106.204, Florida Administrative Code, allows seven (7) days for a response. Petitioners' counsel certified that a copy had been furnished by facsimile and by U.S. Mail on March 25, 2003.
2. The Citizens do not question the accuracy of Petitioners' counsel's Certificate of Service. Nevertheless, after a search of all the documents in the file, the undersigned Counsel has been able to find only the copy served by U.S. Mail and stamped received by OPC on March 27, 2003.
3. For a service by facsimile, the OPC response would have been due on Tuesday, April 1, 2003. For service by U.S. Mail, the OPC response would be due Monday, April 7, 2003.
4. The Citizens are filing a "Response to Withdrawal of Issues" (Response) concomitant with this pleading. That Response is four days early to a U.S. Mail service, but two days late to a facsimile service. The Citizens are seeking the Commission to consider the merits of the Response. To that end, the Citizens ask the Commission to treat the Response as a timely filed pleading responsive to the Petitioners' service by U.S. Mail. Alternatively, the Citizens ask the Commission

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to treat this pleading as a request for a two-day extension of time to file the Response to the Petitioners' Withdrawal.

5. The undersigned counsel has conferred with Mr. Friedman, who intends to respond to this motion in due course.

WHEREFORE, the Citizens of the State of Florida respectfully request the Commission to entertain the merits of the concomitantly filed Response to Petitioners' Withdrawal.

Respectfully submitted,

JACK SHREVE
Public counsel



Stephen C. Burgess
Deputy Public Counsel

Office of Public Counsel
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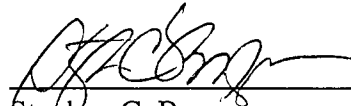
Attorneys for the Citizens of the
State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 020010-WS**

I HEREBY CERTIFY that a true and exact copy of the above and foregoing Motion for PSC to Accept the Timeliness of Response to Petitioners' Withdrawal of Issues has been furnished by hand delivery or U.S. Mail to the following parties of record this 3rd day of April, 2003.

Lawrence Harris, Esquire*
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Florida Public Service Commission
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Tallahassee, FL 32399-0850

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Rose, Sundstrom & Bentley, LLP
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Altamonte Springs, FL 32701



Stephen C. Burgess
Deputy Public Counsel