

ORIGINAL

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 To: Filings@psc.state.fl.us  
 Cc: Katherine Fleming; Jennifer Brubaker; barmstrong@ngn-tally.com; Joseph Richards  
 Subject: Motion for Extension of Time  
 Attachments: Motion for Extension of Time.pdf

Attached please find for filing:

Docket No. 030458-WU

Motion for Extension of Time

Total number of document pages = 3

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FPSC-COMMISSION CLERK

8/30/2006

## BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for transfer of majority organizational control of Holiday Utility Company, Inc. in Pasco County to Holiday Waterworks Corporation and amendment of Certificate No. 224-W

DOCKET NO. 030458-WU

### PASCO COUNTY'S MOTION FOR EXTENSION OF TIME TO FILE INTERVENORS' DIRECT TESTIMONY

Comes Now, Pasco County, pursuant to Rule 28-106.204, Florida Administrative Code and hereby moves the Florida Public Service Commission to extend the time to file Intervenor's direct testimony and exhibits, and as grounds therefore states:

1. Pursuant to the Order Modifying Procedural Order No. PSC-06-0463-PCO-WU, Intervenor's direct testimony and exhibits are due on September 14, 2006.
2. On July 10, 2006, Pasco County filed a Motion to Compel Discovery after Holiday failed to respond to two discovery requests. Holiday Utilities failed to respond to the motion, and the time for filing such response expired.
3. Pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, the Prehearing Officer assigned to this matter issued an Order Granting Motion to Compel on August 8, 2006 requiring Holiday to comply with the discovery requests within seven days from the date of the Order, or by August 15, 2006. Holiday did not fully comply with this deadline and the County had to schedule a time to review documents, which is scheduled for this week.
4. Furthermore, Holiday's testimony was due on August 14, 2006 but the County did not receive its copy until four days later on August 18, 2006 at approximately 1:00 p.m.

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5. Additionally, Holiday's testimony appears deficient because the legal description provided (Exhibit GD-2) does not include any new territory but only contains the territory (2 discrete areas) that the utility is currently authorized to serve. Based on the legal description the County cannot properly prepare a response. The legal descriptions of the two areas also do not close but have gaps of approximately 30 feet.

6. On August 16, 2006 Pasco County filed a Motion to Dismiss based on Holiday's failure to meet deadlines and prosecute this matter effectively toward final hearing. Said motion is scheduled to be heard on September 19, 2006, which is after the time when the County's testimony is due.

7. Pasco County has contacted counsel for Holiday and they do not object to this request.

WHEREFORE, Pasco County requests an extension of time to file Intervenors' direct testimony and exhibits until sometime after the Commission rules on the Motion to Dismiss and if this matter survives such motion, Pasco County requests that the Commission re-establish the schedule to file testimony.

  
\_\_\_\_\_  
Joseph D. Richards, Esquire

**Certificate of Service**

I HEREBY CERTIFY that I filed the foregoing Motion for Extension of Time to File Intervenors' Direct Testimony electronically with the Florida Public Service Commission at [filings@psc.state.fl.us](mailto:filings@psc.state.fl.us) and a true and correct copy of the foregoing was served via Electronic Mail and regular U.S. Mail upon Holiday Utility Company, Inc., c/o Brian P. Armstrong, Esquire, Nabors, Giblin & Nickerson, The Pointe, Suite 1060, 2502 Rocky Point Drive, Tampa, FL 33607, [barmstrong@ngn-tally.com](mailto:barmstrong@ngn-tally.com) and Katherine E. Fleming, Senior Attorney, [keflemin@psc.state.fl.us](mailto:keflemin@psc.state.fl.us) and Jennifer Brubaker, [jbrubake@psc.state.fl.us](mailto:jbrubake@psc.state.fl.us), Office of General Counsel, Florida Public Service

Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399  
[keflemin@psc.state.fl.us](mailto:keflemin@psc.state.fl.us), this 30 day of August, 2006.



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