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July 30, 2007

Ms. Ann Cole, Chief
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
07 AUG -2 AM 10:20
COMMISSION
CLERK

Re: Docket No. 070109
Application for Amendment of Certificates 611-W and 527-S to extend
Water and Wastewater service areas to include certain land in Charlotte County

Dear Ms. Cole:

Enclosed are the original and seven (7) copies of Charlotte County's Notice of Response to Sun River Utilities, Inc., f/k/a MSM Utilities, LLC's Motion for Continuance, or in the Alternative, Motion to Permit Expert to Testify by Deposition.

Please acknowledge receipt of the foregoing by stamping the enclosed extra copy of this letter and returning same to me at your convenience. Thank you for your assistance in this matter.

Sincerely,

Martha Young Burton
Assistant County Attorney

CMP _____

COM _____

MYB/ldl

CTR _____

Enclosures

ECR _____

cc: Martin S. Friedman, Esquire (w/enclosures)

Robert C. Brannon, Esquire (w/enclosures)

GCL 1 _____

Ralph Jaeger, Esquire (w/enclosures)

OPC _____

P:\WPDATA\BURTON\Pleadings\PSC MSM\CORRESPONDENCE\PSC Cole MSM filing response mot for cont.doc
LR2007-0221

RCA _____

SCR _____

SGA _____

SEC _____

OTH _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE:)
APPLICATION OF MSM UTILITIES, LLC,)
FOR AMENDMENT OF CERTIFICATES)
611-W AND 527-S TO EXTEND WATER AND)
WASTEWATER SERVICE AREAS TO)
INCLUDE CERTAIN LAND IN CHARLOTTE)
COUNTY)

Docket No. 070109-WS

ORIGINAL

CHARLOTTE COUNTY'S RESPONSE TO
SUN RIVER UTILITIES, INC.'S
MOTION FOR CONTINUANCE, OR IN THE ALTERNATIVE,
MOTION TO PERMIT EXPERT
TO TESTIFY BY DEPOSITION

CHARLOTTE COUNTY, FLORIDA, (hereinafter referred to as "Charlotte")
by and through its undersigned attorneys and pursuant to Rule 28-106.210,
Florida Administrative Code, hereby files this Response to Sun River Utilities,
Inc.'s "Motion for Continuance, or in the alternative, Motion to Permit Expert to
Testify by Deposition."

1. Charlotte received Sun River's Motion on July 23, 2007, after the
Charlotte County Attorney's office having received no advance call or notice of
the motion, thereby precluding the filing of a Joint Motion for Continuance.

2. The undersigned counsel immediately attempted to reach Sun
River's counsel Robert C. Brannan by phone; after several unanswered calls, on
July 26, 2007, the undersigned eventually spoke with Sun River's other counsel
Martin S. Friedman, who advised Charlotte to proceed to file a Response to Sun

DOCUMENT NUMBER-DATE

06628 AUG-25

FILED-COMMISSION CLERK

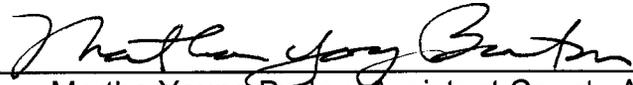
River's Motion and indicated that he would contact the Florida Public Service Commission staff lawyer for other possible hearing dates.

3. Charlotte has no objection to and is in agreement with Sun River's Motion for Continuance of this matter only.

4. However, Charlotte does strenuously object to Sun River's Motion to Permit Expert Testimony by Deposition. Charlotte reserves the right to cross-examine these witnesses at a fair and impartial public hearing of the Florida Public Service Commission, as well as to depose them in the near.

WHEREFORE, Charlotte respectfully requests that the Prehearing Officer grant the mutually agreed upon Motion for Continuance, while also resetting the Public Service Commission final hearing date in the Order Establishing Procedure to a date after November 11, 2007, as well as denying Sun River's "Motion to permit Expert to Testify by Deposition" due to Charlotte's Objection to this particular request.

Respectfully submitted on this 30th day of
July, 2007, by:

By: 
Martha Young Burton, Assistant County Attorney
Florida Bar Number 398179

CERTIFICATE OF SERVICE
DOCKET NO.: 070109-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and facsimile this 30th day of July, 2007, to:

Robert C. Brannon, Esquire
Attorney for MSM Utilities
ROSE, SUNDSTROM & BENTLEY, LLP
1548 Blirstone Pines Drive
Tallahassee, Florida 32301

Martin S. Friedman, Esquire
Attorney for MSM Utilities
ROSE, SUNDSTROM & BENTLEY, LLP
2180 W. State Road 434, Suite 2118
Longwood, Florida 32779

With copies to:

Ralph Jaeger, Esquire
OFFICE OF GENERAL COUNSEL
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

By: 
Martha Young Burton, Assistant County Attorney
Office of the Charlotte County Attorney
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Port Charlotte, Florida 33948
Telephone (941) 743-1330
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