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October 1, 2007

E-FILING

Ann Cole, Commission Clerk
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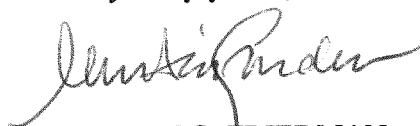
RE: Docket No.: 070109-WS, Application for Amendment of Certificates 611-W and 527-S to Extend Water and Wastewater Service Area to Include Certain Land in Charlotte County
Our File No.: 41069.03

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is Sun River Utilities, Inc.'s Response to Charlotte County's Motion for Extension of Time to File Testimony and Exhibits.

Should you have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF/mp
Enclosure

cc: A. A. Reeves, Vice President (w/enclosure)
Robert C. Brannon, Esquire (w/enclosure)
Todd D. Engelhardt, Esquire (w/enclosure)
Ralph Jaeger, Esquire (w/enclosure)

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, Florida

Docket No.: 070109-WS

**SUN RIVER UTILITIES, INC.'S RESPONSE TO CHARLOTTE COUNTY'S
MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY AND EXHIBITS**

Applicant, SUN RIVER UTILITIES, INC. ("Sun River"), by and through its undersigned attorneys and pursuant to Rule 28-106.204, F.A.C., files this Response to Charlotte County's Motion for Extension of Time to File Testimony and Exhibits.

1. Charlotte County's Motion is necessitated solely by its lack of due diligence in prosecuting its objection to Sun River's Application. Charlotte County filed its Objection on March 16, 2007. Two weeks later, Sun River served Interrogatories and a Request to Produce on Charlotte County. Charlotte County subsequently served discovery on Sun River.

2. The parties participated in a mediation on July 17, 2007, that was unsuccessful. This matter was originally scheduled for hearing on November 1 and 2, 2007, but on August 16, 2007, was subsequently rescheduled for January 16 and 17, 2008. Apparently sometime thereafter Charlotte County decided to retain outside counsel, who made an appearance on September 12, 2007.

3. Charlotte County's new attorneys are seeking a two-week extension of time to file testimony and exhibits which are otherwise due October 16, 2007, due to the attorney's "current caseload" and "the complexity of the matter." Before retaining outside counsel, one would reasonably expect that Charlotte County would confirm that such

counsel could meet the current schedule. There is nothing especially complex about this proceeding. The issues are those typical to a contested service area amendment case. One would have thought that Charlotte County would have confirmed that the retained attorneys have sufficient knowledge of Commission rules and practices, i.e., competency, to handle this type of case before retaining them.

4. Charlotte County's gratuitous offer not to object to extensions to the deadline for the rebuttal testimony and exhibits does not justify Charlotte County's request. Such a reschedule would make Sun River's rebuttal testimony and exhibits due on December 14, 2007, after prehearing statements, and only a couple of weeks (which includes the Christmas holiday) before the discovery deadline. Charlotte County will likely want to depose Sun River's witnesses after rebuttal testimony is filed and such a short time, taking into consideration the holidays, places an unreasonable burden on Sun River.

WHEREFORE, for the reasons stated, Sun River Utilities, Inc., requests the Prehearing Officer deny Charlotte County's Motion for Extension of Time to File Testimony and Exhibits.

Respectfully submitted on this 1 day
of October, 2007, by:

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By: 

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For the Firm


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 this 1 day of October, 2007, to:

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