

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of K W Resort)
Utilities Corp. against Monroe)
County, Florida for alleged) Docket No. 130086-SU
Entitlement to collect certain)
Capacity reservation fees for) Filed: December 5, 2013
excess capacity used.)
_____)

MONROE COUNTY'S FIFTH UNOPPOSED MOTION
FOR EXTENSION OF TIME TO RESPOND TO
K W RESORT UTILITIES CORPORATION'S COMPLAINT

Respondent, Monroe County (the "County"), by and through undersigned counsel and pursuant to Rule 28-106.204(1), Florida Administrative Code ("F.A.C."), hereby requests that the Commission grant the County an extension of time of 90 days up to and including March 5, 2014, to file responsive pleadings to K W Resort Utilities Corporation's ("KWRU") Complaint, and in support thereof states:

1. KWRU initiated this docket by filing its Complaint with the Commission on April 16, 2013. KWRU served the County with an electronic copy of the Complaint at 9:07 p.m. on April 22, 2013. Pursuant to Rule 28-106.204(2), F.A.C., the County had until May 22, 2013, to file pleadings responsive to KWRU's Complaint. On May 8, 2013, the County requested an extension of time to file pleadings responsive to KWRU's Complaint and by Order dated May 23, 2013, the Commission granted the County's request and extended the time to June 6, 2013. On June 3, 2013, the County requested a second extension of time to file pleadings responsive to KWRU's

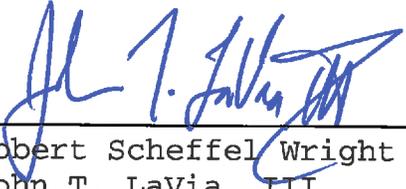
Complaint and by Order dated June 7, 2013, the Commission granted the County's request and extended the time to July 8, 2013. On July 3, 2013, the County requested a third extension of time to file pleadings responsive to KWRU's Complaint and by Order dated July 10, 2013, the Commission granted the County's request and extended the time to September 6, 2013. On September 4, 2013, the County requested a fourth extension of time to file pleadings responsive to KWRU's Complaint and by Order dated September 10, 2013, the Commission granted the County's request and extended the time to December 5, 2013. Accordingly, this fifth request for extension of time is timely.

2. The County and KWRU agreed to the terms of a settlement that will resolve all issues raised in KWRU's Complaint and thus avoid the need for the County to file pleadings responsive to the Complaint. The County and KWRU prepared a settlement agreement which KWRU executed and which the County Commission approved at the County Commission meeting on November 20, 2013. The County is in the process of formally executing the settlement agreement consistent with the applicable County procedures. The County requests an additional extension of time of 90 days (up to and including March 5, 2014) to file pleadings responsive to the Complaint, to allow the parties to work towards finalizing the settlement.

3. Counsel for the County has conferred with counsel for KWRU and counsel for KWRU has represented that KWRU does not oppose the granting of the extension of time requested in this motion.

WHEREFORE, Monroe County respectfully requests that the Commission enter an order granting the County an additional extension of 90 days (up to and including March 5, 2014) to file pleadings responsive to KWRU's Complaint.

Respectfully submitted this 5th day of December, 2013.



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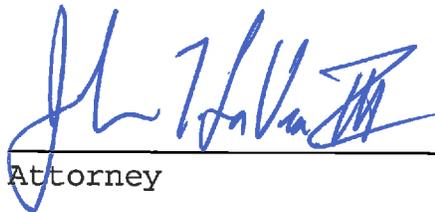
Attorneys for Monroe County, Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by electronic mail, on December 5, 2013:

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