

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into the billing practices of  
K W Resort Utilities Corp. in Monroe County.

DOCKET NO. 20170086-SU

FILED: October 16, 2018

**CITIZENS' MOTION FOR EXTENSION OF TIME TO FILE RESPONSE IN  
OPPOSITION TO KW RESORT UTILITIES CORP.'S MOTION TO DISMISS OR IN THE  
ALTERNATIVE MOTION TO STRIKE**

The Citizens of the State of Florida (Citizens), by and through the Office of Public Counsel (OPC), pursuant to Rule 28-106.211, Florida Administrative Code (F.A.C.), file this Motion for Extension of Time to respond to the Motion to Dismiss filed by KW Resort Utilities Corp. (KWRU).

In support of their Motion, Citizens state as follows:

1. KWRU filed its Motion to Dismiss or in the Alternative Motion to Strike on October 1, 2018.
2. Pursuant to Rule 28-106.204, Citizens had the option to file a response in opposition to KWRU's Motion by Oct. 8, 2018. However, exigent circumstances, including but not limited to the state of emergency covering Leon County starting Oct. 7, 2018 and the closure of state offices for the majority of the last week due to Hurricane Michael, precluded the undersigned counsel from requesting an extension by close of business Oct. 8 or shortly thereafter. Therefore, Citizens request an extension of time, through and including October 22, 2018, to file their response.
3. On Sunday, October 7, 2018, Florida's Governor declared a state of emergency in Leon County and 25 surrounding counties in the Panhandle region due to the named storm Michael, which was forecast to make landfall on the Gulf Coast and which posed a severe threat to the state. By October 8, 2018, Hurricane Michael was forecast to make landfall in the Panhandle as a Category 3 storm.
4. The undersigned counsel had a case scheduled for a two-day hearing before the PSC on October 9, 2018 in Docket Nos. 2017-0235 and 2017-0236; the case involves six litigant entities and

at least two witnesses who were set to travel from out of state to appear at the hearing. On the day of October 8, the undersigned counsel was consumed in hearing preparation, extensive email correspondence about whether the hearing would go forward due to the hurricane, and a motion from another party to cancel the hearing. After the hearing was belatedly canceled and reset, OPC was engaged in related communications and hurricane preparation.

5. Citizens will be unduly prejudiced if the requested relief is not granted. Due process and the proper administration of justice require that Citizens have the opportunity to address the full scope of legal principles which affect the merits of the Motion to Dismiss, and to place all the requisite facts and context in the record for the Commissioners to consider.

6. Citizens have conferred with the other parties in this matter. Counsel for KWRU advised OPC that the Utility has no objection to the Motion. Counsel for Monroe County advised OPC that it supports the Motion.

WHEREFORE, the Citizens hereby request an extension of time, through October 22, 2018, to file their response to KWRU's Motion to Dismiss or in the Alternative Motion to Strike.

Respectfully Submitted,

JR Kelly  
Public Counsel

/s/ Stephanie A. Morse  
Stephanie A. Morse  
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c/o The Florida Legislature  
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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the Citizens' MOTION FOR EXTENSION OF TIME TO FILE RESPONSE IN OPPOSITION TO KW RESORT UTILITITES CORP.'S MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION TO STRIKE has been furnished by electronic mail to the following parties on this 16<sup>th</sup> day of October, 2018:

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