

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
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In re: Application for Certificates to)
Provide Water and Wastewater Service in)
Alachua County Under Grandfather Rights)
by TURKEY CREEK, INC. & FAMILY DINER,)
INC. d/b/a TURKEY CREEK UTILITIES)
_____)

DOCKET NO. 921098-WS
FILED: October 5, 1993

RESPONSE IN OPPOSITION TO MOTION FOR CONTINUANCE

The Citizens of the State of Florida (Citizens), by and through their undersigned attorney, file this response in opposition to Turkey Creek Utilities, Inc.'s (utility or company) Motion for Continuance. In support of this response the Citizens submit:

1. On June 30, 1992 the Board of County Commissioners of Alachua County adopted a resolution declaring that as of that date, the water and wastewater utilities in the county shall be subject to the jurisdiction of this Commission.

2. Since June 30, 1993 the utility has twice raised the rates without approval of this Commission.

3. Since June 30, 1993 the utility has been collecting unauthorized excessive rates and charges. If the City of Alachua ultimately purchases this system the Commission will still have to determine what the appropriate rates and charges should have been since June 30, 1993 before it can order any refund with interest. It will facilitate the collection of any refund if the amount is determined prior to any closing to purchase the system.

4. The Citizens concur with all of the arguments presented in the Intervenor's response to the utility's motion, which was filed on September 28, 1993. The disputes presented in this docket have been festering since the Commission received jurisdiction on June 30, 1993. The hearing date has already been set aside and the current schedule will not produce a final order until February, 1994.

5. If the sale occurs as quickly as the utility suggests only certain issues will be resolved. Unless the utility is prepared to stipulate Staff's positions on the remaining issues a hearing will still be required in this docket.

6. In its motion the utility stated:

". . . the undersigned contacted the attorney for Public Counsel, who communicated that OPC had no position on the motion."

A more accurate description of Public Counsel's reaction to the utility's intention to file its Motion for Continuance was that we could not express a position at that time, but that we would have to think about it and consult with our clients.

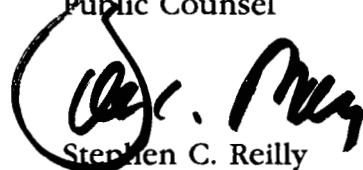
7. After this reflection and consultation we hereby recommend that the Commission deny the utility's motion to delay the hearing which has been scheduled in this docket.

8. Further delay in rolling back these unauthorized rates and charges will prejudice the interests of the ratepayers.

WHEREFORE, the Citizens respectfully request that the utility's Motion for Continuance should be denied.

Respectfully submitted,

Jack Shreve
Public Counsel

A handwritten signature in black ink, appearing to read "Stephen C. Reilly", is written over a circular stamp or mark.

Stephen C. Reilly
Associate Public Counsel

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Attorneys for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 921098-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by *hand delivery or by U.S. Mail to the following parties on this 5th day of October, 1993.

NORWOOD HOPE
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