

**Dorothy Menasco**

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**From:** Michele Parks [michele@RSBattorneys.com]  
**Sent:** Monday, October 01, 2007 3:26 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Ralph Jaeger  
**Subject:** Sun River Utilities, Inc.  
**Attachments:** Resp to Co's M Ext of Time to File TM & Exh.pdf

- a. Martin S. Friedman, Esquire  
Rose, Sundstrom & Bentley, LLP  
2180 W. State Road 434  
Suite 2118  
Longwood, FL 32779
- b. Docket No.: 070109-WS; Application of Sun River Utilities (MSM Utilities) for Certificate Amendment
- c. Sun River Utilities, Inc.
- d. 1 page letter/3 page Response
- e. Response to Charlotte County's Motion for Extension of Time to File Testimony and Exhibits

Michele Parks, Legal Assistant  
Rose, Sundstrom & Bentley, LLP  
2180 W. State Road 434, Suite 2118  
Longwood, FL 32779  
PHONE: (407) 830-6331  
FAX: (407) 830-8522  
michele@rsbattorneys.com

DOCUMENT NUMBER-DATE

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10/1/2007

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LAW OFFICES  
**ROSE, SUNDSTROM & BENTLEY, LLP**  
2548 BLAIRSTONE PINES DRIVE  
TALLAHASSEE, FLORIDA 32301

FREDERICK L. ASCHAUBER, JR.  
CHRIS H. BENTLEY, P.A.  
ROBERT C. BRANNAN  
F. MARSHALL DETERDING  
JOHN R. JENKINS, P.A.  
KYLE L. KEMPER  
STEVEN T. MINDLIN, P.A.  
CHASITY H. O'STEEN  
DAREN L. SHIPPY  
WILLIAM E. SUNDSTROM, P.A.  
DIANE D. TREMOR, P.A.  
JOHN L. WHARTON  
ROBERT M. C. ROSE (1924-2006)

(850) 877-6555  
FAX (850) 656-4029  
www.rsattorneys.com

REPLY TO CENTRAL FLORIDA OFFICE

CENTRAL FLORIDA OFFICE  
SANLANDO CENTER  
2180 W. STATE ROAD 434, SUITE 2118  
LONGWOOD, FLORIDA 32779  
(407) 830-6331  
FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.  
VALERIE L. LORD  
BRIAN J. STREET

October 1, 2007

E-FILING

Ann Cole, Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850


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)

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DOCUMENT NUMBER-DATE

08982 OCT-16

FPSC-COMMISSION CLERK

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

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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

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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 6 day  
of October, 2007, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
2180 W. State Road 434  
Suite 2118  
Longwood, FL 32779  
PHONE: (407) 830-6331  
FACSIMILE: (407) 830-8522

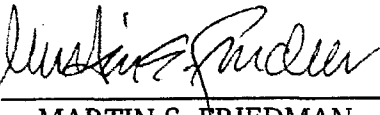
By:   
MARTIN S. FRIEDMAN  
For the Firm

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:

Todd D. Englehardt, Esquire  
Harold A. McLean, Esquire  
Akerman, Senterfitt  
106 E. College Avenue, Suite 1200  
Post Office Box 1877  
Tallahassee, FL 32302-1877

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

BY:   
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MARTIN S. FRIEDMAN  
For the firm