

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Bayside Mobile Home Park)
against Bayside Utilities Services, Inc. regarding)
water and sewer service in an area within a)
territory assigned by the Commission)

DOCKET NO. 010726-WS

FILED: June 13, 2001
by USPS and Telefax

**MOTION TO DENY "MOTION FOR EXTENSION
OF TIME OF THREE BUSINESS DAYS TO
RESPOND TO COMPLAINT" FILED BY BAYSIDE
UTILITY SERVICES, INC**

COMES NOW Bayside Partnership and in support of its **MOTION TO DENY** states that:

- 1) Bayside Partnership d/b/a/ Bayside Mobile Home Park, which is the entire and total service territory of Bayside Utility Services, Inc., at this location, has filed a complaint with the Commission regarding the Utility Company's refusal to extend the necessary lines to provide water and wastewater service to the balance of the territory. The Commission has assigned the exclusive right to supply water and wastewater service to all customers within that territory.
- 2) After a complaint has been filed, Rule 25-22.032(5)(a), F.A.C., requires that, "The company shall provide its response to the complaint within fifteen (15) working days." The complaint was filed on May 10, 2001 and the Response was due no later than 15 working days from that date which would have been May 30, 2001.
- 3) Since the response was not filed until June 6, 2001, Bayside Utility Services, Inc, by and through their Attorney, Mr. Ben Girtman, is trying to circumvent the Law with this motion and correct an error on his part by not filing his response in a timely manner. The fact that Mr. Girtman could not find the necessary time to prepare his response is not a valid reason to grant his motion.
- 4) Granting the Motion For Extension of Time entered by Mr. Girtman will continue to impose and burden Bayside Partnership with unfair and undue hardships because of interest payments due on borrowed money. It also prevents Bayside from selling property to customers who inquire about purchasing the lots. Bayside Partnership has actively pursued developing this final and remaining parcel of the Mobile Home Park since July 15, 1999, immediately after the sale of the Utility consummated, because of the tremendous need for affordable housing in the Bay County area. Utilities, Inc. and

DOCUMENT NUMBER-DATE

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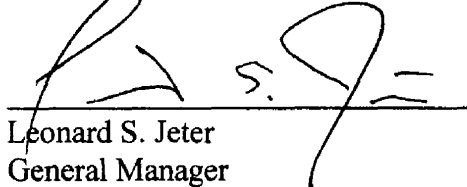
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Bayside Utility Services, Inc., have refused to respond to any of our requests for service and have remained silent until now. This has forced Bayside to seek assistance from the Commission. Their history is continued with the filing of this Motion and the delaying tactics that they have used since 1999.

WHEREFORE, Bayside Partnership respectfully requests that the Commission consider the above and **NOT GRANT THE MOTION FOR EXTENSION OF TIME**, and by way of not granting the Motion, refuse to accept the **RESPONSE TO COMPLAINT**, which was not filed in a timely manner by Mr. Girtman, but actually several days after the required deadline imposed by the Rule.

RESPECTFULLY SUBMITTED, this 13th day of June, 2001.



Leonard S. Jeter
General Manager

Bayside Partnership d/b/a/ Bayside Mobile Home Park
6325 Big Daddy Drive
Panama City Beach, Florida 32407

(850) 234-6668

I HEREBY CERTIFY that a copy of the foregoing has been sent to the following by Telefax and U.S. Mail this 13th Day of June, 2001.

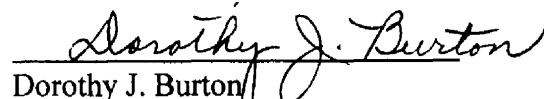
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Dorothy J. Burton
Bayside Partnership, General Partner