

**Dorothy Menasco**

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**Sent:** Wednesday, December 14, 2011 3:08 PM  
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**Subject:** Docket No. 110022-WS - Equity LifeStyle Properties, Inc., HV Utility - Third Unopposed Motion for Extension of Time to File Motion to Dismiss  
**Attachments:** 511614833\_v\_1\_2011.12.14 - Ltr and Motion for Extension.PDF  
**Attachments:** 511614833.pdf

**Docket No.:**

Docket No. 110022-WS - Application for certificate to operate water utility in Pasco County by Equity LifeStyle Properties, Inc., HV Utility Systems, L.L.C.

**Person Filing:**

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**Filed on behalf of:**

Equity LifeStyle Properties, Inc.

**Total number of pages (including this e-mail):**

Five (5)

**Description:**

Third Unopposed Motion for Extension of Time to File Motion to Dismiss

**Peg**

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Michael G. Cooke  
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December 14, 2011

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RE: Docket No. 110022-WS — Application for certificate to operate water utility in Pasco County by Equity LifeStyle Properties, Inc., HV Utility

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is Equity LifeStyle Properties' Third Unopposed Motion for Extension of Time to File Motion to Dismiss.

Thank you for your assistance with this filing and please do not hesitate to contact me if you have any questions.

Sincerely,

Michael G. Cooke

MGC/mmt  
Enclosure

- ALBANY
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MEMBER DATE

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BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF FLORIDA

Application for certificate to operate water  
utility in Pasco County by HV Utility Systems,  
LLC

Docket No. 110022-WS

Filed: December 14, 2011

**THIRD UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
MOTION TO DISMISS**

Pursuant to Rule 28-106.204, Fla. Admin. Code, Equity Lifestyle Properties ("ELS"), by and through its counsel, hereby respectfully requests that the Florida Public Service Commission grant an extension of time to and including March 15, 2012, to file a Motion to Dismiss each Objection to the Proposed Utility and Petition For Formal Administrative Hearing ("Objection") filed on July 13, 2011, by, respectively, Pasco County ("County") and The City of New Port Richey ("City") (collectively, the "Joint Petitioners").<sup>1</sup> In support of this Motion, ELS states as follows:

1. ELS filed its Application for Certificate to Operate Water Utility in Pasco County by HV Utility Systems, L.L.C., in this proceeding on January 7, 2011. On June 10, 2010, ELS forwarded by mail a copy of the Notice of Application to the County and the City.

2. On July 13, 2011, the Joint Petitioners filed their Objections to the application and requested an administrative hearing.

3. On July 27, 2011, ELS and the Joint Petitioners met informally to discuss the Objections. The parties discussed the potential issues and agreed to continue discussions in an effort to resolve issues raised.

4. During the meeting on July 27, 2011, ELS discussed its intention to file a Motion to Dismiss the Objections. Pursuant to Rule 28-106.204(2), Fla. Admin. Code, a Motion to Dismiss must be filed within twenty (20) days following service of a Petition for Administrative Hearing. ELS advised it would be willing to seek an extension of time to file a Motion to Dismiss and representatives of the City and County agreed to support such a Motion.

5. On July 28, 2011, ELS filed its Unopposed Motion for Extension of Time to File Motion to Dismiss. On August 5, 2011, the Prehearing Officer granted the motion extending time for ELS to file a motion to dismiss to September 15, 2011. On September 14, 2011, ELS filed its Second Unopposed Motion for Extension of Time to File Motion to Dismiss. On September 21, 2011, the Prehearing Officer granted the motion extending time for ELS to file a motion to dismiss to December 15, 2011.

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<sup>1</sup> The County and City each filed on its own behalf a separate Objection, but they are substantially similar and raise the same issues.

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6. To attempt to resolve this matter, ELS has prepared certain information for discussion with representatives of the City and County. The parties have agreed to continue discussion of the issues and expect to meet in January 2012.

7. Pursuant to Rule 28.106.204(3), Fla. Admin. Code, counsel for ELS has conferred with counsel of record for the Joint Petitioners and they have agreed to support a motion for a ninety (90) day extension of time.

WHEREFORE, ELS respectfully requests that, for good cause shown, the Commission grant an extension of time to and including March 15, 2012, for ELS to file a motion to dismiss the pending Objections.

DATED this 14th day of December, 2011.

By: s/ Michael G. Cooke  
Michael G. Cooke  
(Fla. Bar No. 0979457)  
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**CERTIFICATE OF SERVICE  
DOCKET NO. 110022-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic delivery and/or U.S. Mail this 14<sup>th</sup> day of December, 2011, to the following:

*HV Utility Systems, L.L.C.*  
Jordon Ruben  
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*Public Service Commission*  
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cklancke@psc.state.fl.us

*Office of the Public Counsel (11h)*  
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s/ Michael G. Cooke  
Michael G. Cooke

TPA 511614054