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November 28, 2000

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

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Re: Docket No. 991666-WU

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Florida Water Services Corporation ("Florida Water") are the original and fifteen copies of Florida Water's Motion to Strike and Motion for Extension of Time to File Rebuttal Testimony on Wastewater Service.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me. Thank you for your assistance with this filing.

Sincerely,

J. Stephen Menton
J. Stephen Menton

JSM/knb
Enclosures

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for amendment of)
Certificate No. 106-W to add territory)
in Lake County by Florida Water Services)
Corporation.)
_____ /

Docket No. 991666-WU

Filed: November 28, 2000

**FLORIDA WATER SERVICES CORPORATION'S
MOTION TO STRIKE, AND MOTION FOR EXTENSION
OF TIME TO FILE REBUTTAL TESTIMONY ON WASTEWATER SERVICE**

Florida Water Services Corporation ("Florida Water"), by and through its undersigned counsel, and pursuant to Rule 28-106.204, Florida Administrative Code, hereby requests the Prehearing Officer to enter an order striking the portions of Intervenors' Prefiled Testimony relating to the provision of wastewater service for the requested territory. Because the need for rebuttal testimony on the ability to provide wastewater service may be obviated by the ruling on this Motion, Florida Water requests that the date for submitting rebuttal testimony regarding wastewater service be extended until ten days after the Prehearing Officer enters an order on this Motion. In support of its Motion, Florida Water states as follows:

1. The application filed by Florida Water in this docket is for an extension of its existing service area to provide water service to a planned unit development known as the Summit. The City of Groveland ("Intervenor") has filed a protest to Florida Water's application. Florida Water has filed its prefiled direct testimony and exhibits. Intervenor has also filed its prefiled testimony and exhibits.

2. As described in the prefiled direct testimony submitted on behalf of Florida Water, Florida Water has entered into an agreement with the developer of the Summit with respect to water service. Florida Water's application does not seek certification to provide wastewater services to

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the Summit. The developer of the Summit has indicated his intent to use septic tanks for the development and it is Florida Water's understanding that the development has been approved for septic tanks.

3. The prefiled testimony submitted by Jason Yarborough, the City Manager for the City of Groveland, discusses at length the Intervenor's alleged ability to provide wastewater service to the requested territory. Mr. Yarborough's testimony further claims that Florida Water does not have the ability to provide wastewater service to this area. The prefiled testimony of Intervenor's engineer, Mr. Mittauer, also includes a discussion of the Intervenor's ability to provide wastewater service. Florida Water requests that the references to wastewater service in the testimony of Mr. Yarborough and Joseph Mittauer be stricken and an order be entered confirming that the ability to provide wastewater service is not at issue in this proceeding. As indicated above, Florida Water has not requested certification to provide wastewater service to the requested territory. Accordingly, Florida Water's application and prefiled direct testimony do not address this issue. The provision of wastewater service is totally irrelevant unless and until there is some form of prohibition that keeps landowners in the Summit from using septic tanks. Clearly, absent such a prohibition, it would be a frivolous and inefficient use of funds to build wastewater facilities to the Summit. Florida Water respectfully submits that it is a waste of time and money to address the potential provision of wastewater service to a development planned for septic tanks in a docket initiated by an application to extend water service. The Intervenor must take the case as it finds it. Prior to incurring the time and expense necessary to address wastewater service, Florida Water requests a ruling as to whether or not the ability to provide wastewater service is in fact an issue to be

addressed. If the Prehearing Officer determines that wastewater service is an issue to be considered in this docket, Florida Water will develop and submit supplemental rebuttal testimony on this issue.

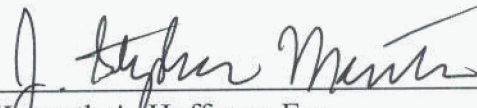
4. Pursuant to an Order Granting Joint Motion for Extension of Time to File Rebuttal Testimony and Granting, in part, Joint Motion for Continuance entered on November 6, 2000 (Order No. PSC-00-2096-PCO-WU), the rebuttal testimony in this Docket is currently scheduled to be filed on November 30, 2000. Prehearing statements are not due until February 8, 2001 and the hearing is scheduled for March 13-14, 2001. Florida Water will submit rebuttal testimony on or before November 30 related to matters which are clearly within the scope of this docket. Until there is a determination that wastewater service is a relevant issue in this docket, Florida Water should not be required to incur the time and expense of addressing this issue. Florida Water requests that the date for submitting rebuttal testimony related to wastewater service be extended until 10 days from the date an order is entered on this Motion. There is ample time to fully address this issue, if necessary, prior to the March hearing.

5. Undersigned counsel has conferred with counsel for Intervenor who has indicated that she objects to the Motion to Strike. Counsel for Intervenor does not object to the requested extension of time for submitting rebuttal testimony regarding wastewater service provided Intervenor has an opportunity to respond to any supplemental rebuttal that may be filed. Florida Water does not agree that Intervenor should have a right to respond to rebuttal testimony.

WHEREFORE, for the foregoing reasons, Florida Water respectfully requests that the Commission grant Florida Water's Motion to Strike the portions of Intervenors' prefiled testimony that relate to wastewater service and that the date for filing rebuttal testimony related to wastewater

service be extended until 10 days from the entry of an order on this motion, if such rebuttal is necessary.

Respectfully submitted,



Kenneth A. Hoffman, Esq.

J. Stephen Menton, Esq.

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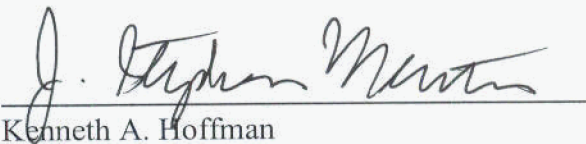
Attorneys for Florida Water Services Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing testimony has been furnished by Hand Delivery this 28 day of November, 2000 to:

Patricia Christensen, Esq.
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2540 Shumard Oak Blvd.
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