

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer )  
of Certificate Nos. 592-W and )  
509-S from Cypress Lakes )  
Associates, Ltd., to Cypress Lakes )  
Utilities, Inc., in Polk County. )  
\_\_\_\_\_ )

DOCKET NO. 971220-WS

Filed: November 3, 1999

ORIGINAL

MOTION  
by  
CYPRESS LAKES UTILITIES, INC.  
TO FILE POST-HEARING DOCUMENTS  
IN EXCESS OF THE PAGE LIMIT  
SET FORTH IN RULE 28-106.215, F.A.C.

COMES NOW Utilities, Inc. and its wholly owned subsidiary, Cypress Lakes Utilities, Inc., (hereinafter collectively referred to as "Cypress Lakes") and in support of this Motion state:

1. Because of the extensive history of at least 107 orders issued by the Commission since 1982 on the matter of acquisition adjustments, because of the nature of the positions taken by the protestant OPC on issues herein and at the preliminary prehearing and prehearing conferences in the case, and because the membership of the Commission panel in this case is somewhat different than the panel membership in the case of Wedgefield Utilities, Inc. (Docket No. 960235-WS), it is necessary to provide a short summary of relevant cases as Attachment "A" to the Brief.
2. The utility applicant has gone along with OPC's suggestion that no formal "§120.57(1)" hearing be held in this case. Although the record consists of the prefiled testimony, exhibits, and matters given official recognition by the Prehearing Officer, parties have waived cross-examination. Because the protestant's attorney has strongly suggested that an appeal may result if the Commission's order does not authorize the utility

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FPSC-RECORDS/REPORTING

acquisition adjustment, the applicant utility is faced with the need for as complete an explication as possible of the facts and the law in this case. Therefore, applicant has found it necessary to submit a number of proposed findings of fact and conclusions of law greater than the number it normally would submit. They are contained in Attachment "B" to the Brief.

3. During the Prehearing Conference on October 4, the undersigned attorney discussed the probable need to file this Motion. Mr. Harold McLean, attorney for OPC, and Ms. Jennifer Brubaker, attorney for the PSC Staff, had no objection to granting the motion.

WHEREFORE, it is requested that Cypress Lakes Utilities, Inc. be authorized to file post-hearing documents in excess of the page limit in Rule 28-106.215, F.A.C. As discussed at the Prehearing Conference, this Motion is being filed simultaneously with the Brief.



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Attorney for Utilities, Inc.  
and Cypress Lakes Utilities, Inc.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to Harold McLean, Esq., Office of Public Counsel, 111 W. Madison St., Tallahassee, FL 32399-1400; and to Jennifer Brubaker, Esq. \*, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee FL 32399-0850, by U.S. mail (\* or by hand delivery) this 3<sup>rd</sup> day of November, 1999.



Ben E. Girtman