

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of  
**SUN RIVER UTILITIES, INC.**  
formerly known as 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.

Docket No. 070109-WS

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**SUN RIVER UTILITIES, INC.'S**  
**MOTION FOR CONTINUANCE,**

**Or in the Alternative,**

**MOTION TO PERMIT EXPERT TO TESTIFY BY DEPOSITION**

SUN RIVER UTILITIES, INC., (herein after referred to as "Sun River"), by and  
through its undersigned attorneys and pursuant to Rule 28-106.210, Florida  
Administrative Code, hereby files this Motion for Continuance or, in the alternative, to  
have its expert testify by deposition, and in support would state and allege as follows:

1. On February 8, 2007, Sun River filed an Application for an Amendment of

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ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
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SEC \_\_\_\_\_  
OTH \_\_\_\_\_

Certificates 611-W and 527-S to extend its service territory to certain land in Charlotte  
County (the "Application").

2. On March 16, 2007, the Board of County Commissioners of Charlotte

County filed its objection to the Application.

3. On May 29, 2007, the Prehearing Officer established formal hearing dates

for this matter as November 1, 2007 and November 2, 2007 (the "Hearing Dates").

4. On July 17, 2007, representatives from Sun River and Charlotte County

met for a mediation in Port Charlotte, Florida with mediator David E. Smith in

unsuccessful an effort to resolve the issues presented in this case.

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5. Sun River has engaged and is utilizing the services of Gerald C. Hartman of Hartman Consulting & Design as its expert witness on technical matters concerning, but not limited to, Sun River's and Charlotte County's respective utility systems, and each party's ability to serve the proposed territory.

6. Mr. Hartman's testimony, therefore, is central to the presentation of Sun River's case.

7. Mr. Hartman has informed Sun River that he has a long-standing commitment that will take him out of the country and make him unavailable during the period between October 20, 2007 and November 11, 2007.

WHEREFORE, and in consideration of the above, Sun River respectfully requests that the Prehearing Officer either: (1) reset the Hearing dates in the Order Establishing Procedure to a date subsequent to November 11, 2007; or (2) permit Sun River to introduce Mr. Hartman's expert testimony on this matter via sworn deposition.

Respectfully submitted on this 18 day of July, 2007, by:

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By: 

MARTIN S. FRIEDMAN  
ROBERT C. BRANNAN  
For the Firm

**CERTIFICATE OF SERVICE**  
**DOCKET NO.: 070109-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Continuance or in the alternative Motion to Permit Expert to Testify By Deposition Notice has been furnished by U.S. Mail this 18<sup>th</sup> day of July, 2007, to:

Martha Young Burton, Assistant County Attorney  
Charlotte County Attorney's Office  
18500 Murdock Circle  
Port Charlotte, FL 33948-1094

With copies to:

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

BY 

MARTIN S. FRIEDMAN  
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