STATE OF SOUTH CAROLINA

(Caption of Case)

IN RE:
Happy Rabbit, LP on Behalf of,

Windridge Townhomes, Complainant,

v.

Alpine Utilities, Inc., Respondent

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2008 - 360 - S

(Please type or print)

Submitted by: Richard L. Whitt
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DOCKETING INFORMATION (Check all that apply)

☒ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
☐ Electric	☐ Affidavit of Publication	☐ Letter	☐ Request
☐ Electric/Gas	☐ Agreement	☐ Memorandum	☐ Request for Certificatio
☐ Electric/Telecommunications	☐ Answer	☐ Motion	☐ Request for Investigatior
☐ Electric/Water	☐ Appellate Review	☐ Objection	☐ Resale Agreement
☐ Electric/Water/Telecom.	☐ Application	☐ Petition	☐ Resale Amendment
☐ Electric/Water/Sewer	☐ Brief	☐ Petition for Reconsideration	☐ Reservation Letter
☐ Gas	☐ Certification of Mailing	☐ Petition for Rulemaking	☒ Response
☐ Railroad	☐ Comments	☐ Petition for Rule to Show Cause	☐ Response to Discovery
☒ Sewer	☐ Complaint	☐ Petition to Intervene	☐ Return to Petition
☐ Telecommunications	☐ Consent Order	☐ Petition to Intervene Out of Time	☐ Stipulation
☐ Transportation	☐ Discovery	☐ Return	☐ Subpoena
☐ Water	☐ Exhibit	☐ Promotion	☐ Tariff
☐ Water/Sewer	☐ Expedited Consideration	☐ Proposed Order	☐ Other:
☐ Administrative Matter	☐ Interconnection Agreement	☐ Protest	
☐ Other:	☐ Interconnection Amendment	☐ Publisher's Affidavit	
	☐ Late-Filed Exhibit	☐ Report	

Austin & Rogers, P.A.

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January 30, 2009

VIA ELECTRONIC FILING
The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: • Happy Rabbit, LP on Behalf of Windridge Townhomes, Complainant, v. Alpine Utilities, Incorporated, Respondent, Docket No. 2008-360-S
• **Happy Rabbit's Response to Motion to Suspend Testimony Deadlines; <u>and</u> Response to Motion for Order Compelling Response to Discovery Requests or, in the Alternative, to Dismiss Complaint.**

Dear Mr. Terreni:

Happy Rabbit, a South Carolina Limited Partnership (hereinafter, "Happy Rabbit), through Counsel, responds to both of Respondent's Motions, set-forth above, as follows:

Alpine Utilities, Incorporated's (hereinafter "Alpine") Counsel does not give this Commission the background on its Motions. On December 19, 2008, Alpine served:

1. Its First Set of Interrogatories consisting of ten questions, **in this Docket**; and
2. Its First Set of Requests for Production consisting of fourteen requests, **in this Docket**; and
3. Its First Set of Requests to Admit consisting of ten requests, **in this Docket**; and
4. Its First Set of Interrogatories consisting of ten questions, **in Circuit Court Action No. 2008-CP-40-06619**; and
5. Its First Set of Requests for Production consisting of fourteen requests, **in Circuit Court Action No. 2008-CP-40-06619**; and
6. Its First Set of Requests to Admit consisting of ten requests, **in Circuit Court Action No. 2008-CP-40-06619**; and
7. <u>In summary</u>, Happy Rabbit was required to provide, since December 19, 2008: its responses to twenty-eight **(28)** Requests for Production, twenty **(20)** Interrogatories, and twenty **(20)** Requests to Admit questions, and Happy Rabbit was required to file its pre-filed Direct Testimony/Exhibits with this Commission.
   <u>To date</u>, Happy Rabbit has pre-filed its Direct Testimony with Exhibit, on January 27, 2009, and Happy Rabbit has responded to the Request to Admit in this Docket, and in the Circuit Court on January 16, 2009. Representatives of Happy Rabbit are working diligently to respond to the remaining Discovery items and Counsel for Alpine was informed that the Discovery Responses would be made as soon as these voluminous materials are available. **<u>Happy Rabbit anticipates that these responses will be available on Monday, February 2, 2009.</u>**

MOTION TO SUSPEND TESTIMONY

8. Presently Alpine's pre-filed Direct Testimony is due on February 10, 2009. Alpine's Motion requests a new pre-filing date at least ten days after its receipt of Happy Rabbits Responses. Based on paragraphs 1 through 7 hereinabove, Happy Rabbit will provide these Discovery Responses on Monday, February 2, 2009 which allows Alpine **nine (9) days** before its pre-filing date of February 10, 2009. **Therefore**, it is not necessary for this Commission to Suspend or Amend its pre-filing dates previously set in this Docket.

MOTION FOR ORDER COMPELLING RESPONSE TO DISCOVERY REQUESTS OR, IN THE ALTERNATIVE, TO DISMISS COMPLAINT

9. Based on paragraphs 1 through 8 hereinabove, Alpine's request for this Order is unnecessary, not supported by the facts and Pleadings of this Docket and is moot after Happy Rabbit's Discovery Responses are provided after February 2, 2009.

CONCLUSION

Based on the foregoing, this Commission should inquire into this matter and find that Alpine's Motion to Suspend Testimony should be denied, and Alpine's Motion for Order Compelling Response to Discovery Requests or, in the Alternative, to Dismiss Complaint should also be denied.

Respectfully submitted,
/s/
Richard L. Whitt

Columbia, South Carolina

RLW/jjy
Certificate of Service

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2008-360-S

IN RE:	)	
Happy Rabbit, LP on Behalf of,	)	
Windridge Townhomes,	)	**CERTIFICATE OF SERVICE**
	)	
Complainant,	)	
v.	)	
	)	
Alpine Utilities, Inc.,	)	
Respondent	)	
	)	

I, Jessica Yun, an employee of Austin & Rogers, P.A., certify that I mailed a copy of the Response to Motion to Suspend Testimony Deadlines and Response to Motion for Order Compelling Response to Discovery Requests or, in the Alternative, to Dismiss Complaint in the above referenced matter as indicated below, via U.S. Mails as addressed below, with proper postage affixed thereto, or e-mail on January 30, 2009.

Attorney Benjamin P. Mustian
P.O. Box 8416
Columbia S.C., 29202-8416
Via U.S. Mail

Nanette S. Edwards, Esquire
Via e-mail

Austin & Rogers, P.A.

/S/
Jessica Yun

Columbia, South Carolina
January 30, 2009