

authority, such as the effect of the existence of a proposed facility on nearby property values.

(6) Mr. Harris has not been denied any due process rights that he might have under the United States Constitution and further more he has not legally prosecuted his protest and has completely failed to even allege much less offer any evidence to justify his protest and the time and expense associated with prolonging this Application by sending same to the State Office of Administrative Hearings (SOAH) and therefore, Applicant respectfully requests that the doctrine of laches should be applied to Mr. Harris' protest, if any there be.

WHEREFORE, the Applicant respectfully requests that Mr. Harris' protest and request for a contested case hearing be denied in all respects and that the Commissioners remand the Application to the Executive Director for final action.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2007, a true and correct copy of the foregoing document was delivered via facsimile, hand delivery, interagency mail, or by deposit in the U.S. Mail to all persons on the attached mailing list.

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