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**ORIGINAL
FILE COPY**

April 16, 1991

Sent Via Airborne Express

Steven Tribble,
Director of Division of
Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399

**RE: Application for Sailfish Point Utility Corp. for a rate
increase in Martin County; Document No: 900816-WS;
Submitted for Filing: April 16, 1991**

Dear Mr. Tribble:

Enclosed please find original and twelve (12) copies of a
Response of Sailfish Point Property Owners Representatives and
Charles R. Buckridge to Utility's Motion to Strike and Motion to
Deny Petition for Leave to Intervene.

Sincerely yours,

WM. REEVES KING
For the Firm

- ACK
- AFA
- APP
- CAF
- CMU
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Enclosures
16 copies Association
Catherine Bedell, Esquire
Jack Shreve, Esquire
Ben E. Girtman, Esquire
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DOCUMENT NUMBER-DATE
03677 APR 17 1991
PSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of SAILFISH) Docket No.: 900816-WS
POINT UTILITY CORPORATION for) Submitted
a rate increase in Martin County) for Filing: April 16, 1991

RESPONSE OF SAILFISH POINT PROPERTY OWNERS REPRESENTATIVES
AND CHARLES R. BUCKRIDGE
TO UTILITY'S MOTION TO STRIKE
AND
MOTION TO DENY PETITION FOR LEAVE TO INTERVENE

The Utility has submitted an 81 page document presenting evidence as to the merits of some of the issues which the Intervenors seek to raise in these proceedings. It contains unsworn testimony and conclusions of facts, such as:

"Therefore, the insinuation that lines and mains which are placed in Common Areas some how must be, or have been, conveyed to the POA or to any residents or customer group is spurious and without merit". Utility Motion Para. 14. and,

"As further indication of the distortions and the SPOR pleadings, the Utility clearly holds title to the Utility assets." Utility Motion Para. 35.

The Intervenors are unaware of any procedure which permits adjudication of the merits of the matters which an intervenor desires to present when considering grant or denial of the petition for intervention. If there is such a procedure, Intervenors demand equal time to present their "evidence" in support of their claims that the utility is attempting to include in its rate base assets which, under the Development Documents, do not belong to the Utility.

The Intervenors were under the impression that parties were required to give evidence in the form of pre-filed testimony, under oath, by witnesses who are subject to cross-examination and not by self-serving statements of counsel under the guise of a motion.

If the Petition for Intervention failed to demonstrate that the Intervenors have "substantial interests" which will be affected by these proceedings, why is it necessary for the Utility to file an 81 page document to demonstrate that the issues sought to be raised by Intervenors have no merit?

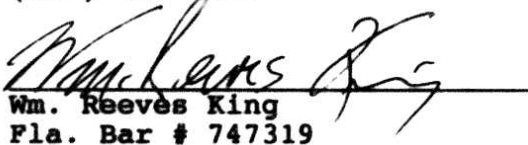
That the Utility thought such response was necessary demonstrates the substantiality of the Intervenor's interest more eloquently than any statement Intervenors can make.

CONCLUSION

The Petition to Intervene should be granted. A determination of the merits of the issues desired to be raised by Intervenors should be deferred until this Commission has had an opportunity to review the evidence submitted by both parties pursuant to the hearing procedures of this Commission.

Respectfully submitted this *14th* day of April, 1991.

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Wm. Reeves King
Fla. Bar # 747319

CERTIFICATE OF SERVICE
DOCKET NO. 900816-WS

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U. S. Mail, to the following parties on this *16th* day of April, 1991.

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