

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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IN RE: Application of)
NORTH FORT MYERS UTILITY, INC.)
for extension of wastewater)
service in Lee County, Florida.)
_____)

Docket No. 981781-SU

RECORDS AND REPORTING

MOTION TO STRIKE PARTIES

Applicant, NORTH FORT MYERS UTILITY, INC. ("NFMU"), by and through its undersigned attorneys, moves to strike Donald Gill, Ronald Ludington and Joseph Devine as parties and in support thereof states:

1. NFMU and Office of Public Counsel ("OPC") have entered into a Settlement Agreement resolving all issues raised in this proceeding. Gill, Ludington and Devine have refused to join in the settlement unless special concessions are made to them which NFMU refuses to do.

2. Gill, Ludington and Devine have failed to file any prefiled testimony or exhibits and thus pursuant to PSC Order No. 99-0420-PCO-SU are barred from presenting any testimony or exhibits at the final hearing.

3. Gill, Ludington and Devine have failed to file a Prehearing Statement and thus pursuant to PSC Order No. 99-0420-PCO-SU must take the case as it is formulated by the other parties.

ACK _____
AFA _____
APP _____
CCT _____
CFC _____
EAC _____
LEE 2
LUD 3
OPC _____
RCH _____
SEC _____

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4. The evidence which will be presented by the parties should a final hearing be required will only be those supporting the Settlement Agreement, and thus, requiring such hearing will be futile, time consuming and expensive.

5. Gill, Ludington and Devine have done nothing to represent themselves in this proceeding and have ridden the coattails of OPC. By doing so, these individuals must accept the settlement that OPC has negotiated.

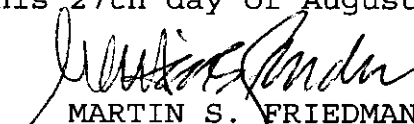
Respectfully submitted on this
27th day of August, 1999, by:

ROSE, SUNDSTROM & BENTLEY, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301
(850) 877-6555

By: 
MARTIN S. FRIEDMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was forwarded via U.S. Mail to Steve Reilly*, Esquire, Office Of Public Counsel, 111 West Madison Street, Suite 812, Tallahassee, FL 32301-1906, Jennifer Brubaker*, Esquire, Florida Public Service Commission, Legal Division, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, Ronald & Gwen Ludington*, 509 Avanti Way, North Fort Myers, FL 33917 and Donald Gill, 674 Brigantine Boulevard, North Fort Myers, FL 33917 on this 27th day of August, 1999.


MARTIN S. FRIEDMAN

*Also by fax

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