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RECORDS AND REPORTING



JACK SHREVE
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STATE OF FLORIDA
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c/o The Florida Legislature
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May 19, 2000

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Docket No. 960545-WS

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of a Motion to Strike Exhibit Testimony for filing in the above referenced file.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Stephen M. Presnell
Associate Public Counsel

SMP/dsb
Enclosures

- AFA
- APP
- CAF
- CMU
- CTR
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- LEG
- MAS
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DOCUMENT NUMBER-DATE

06262 MAY 19 00

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Investigation of utility)
rates of Aloha Utilities, Inc. in)
Pasco County)
/

Docket No. 960545-WS
Filed: May 19, 2000

MOTION TO STRIKE EXHIBIT TESTIMONY

The Citizens of the State of Florida, by and through Jack Shreve, Public Counsel, (the Citizens) move to strike exhibit testimony in the above-captioned matter and for grounds show:

1. Aloha was authorized to file a general response to the testimony offered by customer witnesses. This time-honored procedure allows the utility to respond to an inherent lack of notice in customers' testimony offered at hearing. The Citizens do not object to a utility response that is confined to that purpose.

2. The testimony included with Aloha's Late-Filed Exhibit 13, however, ranges well beyond that limited purpose in two important respects: first, it is replete with a reiteration of the utility's case-in-chief; second, it ranges and meanders well beyond any evidence properly placed before the Commission in its written and rebuttal testimony, even to the extent that it attempts to place newspaper articles in this record - - articles that are untested hearsay and are irrelevant to any issue in this matter.

3. In simple terms, this late-filed response to customer testimony evolved over time as a procedure by which a utility could respond directly to service issues raised by the customers for the first time during live customer testimony. It has never been, and ought never to become, a "mop up" operation by the utility, with nothing but the horizon and the hyperactive imagination of the utility's expert witness as its boundary.

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4. The Citizens would raise no objection to an exhibit which complies with the intent and purpose of this procedure - - that is, a direct but general response to customer service issues that were raised at hearing. If the utility, however, cannot or will not so confine itself, the Citizens move to strike the entire exhibit.

WHEREFORE, The Citizens move this Commission to strike Aloha's Late-Filed Exhibit

13.

Respectfully submitted,

Jack Shreve,
Public Counsel



Stephen M. Presnell
Associate Public Counsel
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Attorneys for the Citizens
of the State of Florida

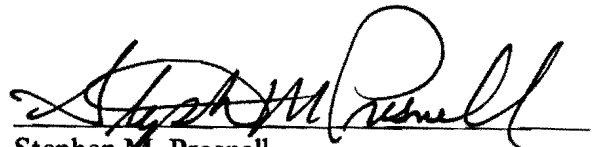
CERTIFICATE OF SERVICE
DOCKET NO. 960545-WS

I HEREBY CERTIFY that a true copy of the foregoing Motion to Strike Exhibit Testimony has been served by United States Mail or (*) by hand delivery upon the following parties on this the 19th day of May, 2000:

Ralph Jaeger, Esquire(*)
Division of Legal Services
Florida Public Service Commission
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Stephen M. Presnell
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