

MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

[www.lawfla.com](http://www.lawfla.com)

February 26, 2008

**VIA ELECTRONIC FILING**

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

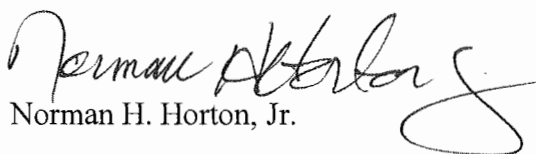
Re: Docket Nos. 070300-EI and 070304-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company is Florida Public Utilities Company's Notice of Intent to Withdraw Portions of Testimony in the above referenced dockets.

Thank you for your assistance with this filing.

Sincerely yours,

  
Norman H. Horton, Jr.

NHH/amb  
Enclosure

cc: Ms. Cheryl M. Martin  
Parties of Record

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of 2007 Electric Infrastructure )  
Storm Hardening Plan filed pursuant to )  
Rule 25-6.0342, F.A.C., submitted by Florida )  
Public Utilities Company )  
\_\_\_\_\_ )

Docket No.: 070300-EI

In re: Petition for Rate Increase by Florida )  
Public Utilities Company )  
\_\_\_\_\_ )

Docket No. 070304-EI  
Date Filed: February 26, 2008

**NOTICE OF INTENT TO WITHDRAW PORTIONS OF TESTIMONY**

COMES NOW Florida Public Utilities Company (“FPUC” or “Company”), by and through its undersigned and files this Notice and as basis states:

1. On January 22, 2008 the Company filed rebuttal testimony of Jim Mesite.
2. The Company intends to withdraw that part of his testimony beginning on page 15, line 6 through page 16, line 12 of his Rebuttal Testimony at such time as he takes the stand to sponsor his rebuttal testimony.
3. The withdrawal of this portion of his testimony is for this proceeding and not intended to be a waiver or abandonment of any position the Company may take in future as to this testimony.

Respectfully submitted,

MESSER, CAPARELLO & SELF, P. A.  
Post Office Box 15579  
Tallahassee, FL 32317-5579  
(850) 222-0720

  
\_\_\_\_\_  
NORMAN H. HORTON, JR., ESQ.

Attorneys for Florida Public Utilities Company

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Electronic Mail (\*) and/or U. S. Mail this 26<sup>th</sup> day of February, 2008 upon the following:

Martha Brown, Esq.\*  
Katherine Fleming, Esq.  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Patricia A. Christensen, Esq.\*  
Office of the Public Counsel  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400

Jennifer S. Kay, Esq.  
Tracy W. Hatch, Esq.  
c/o Mr. Greg Follensbee  
AT&T Florida  
150 S. Monroe St., Suite 400  
Tallahassee, FL 32301

Susan Masterton, Esq.  
Embarq  
1313 Blair Stone Road  
Tallahassee, FL 32301

Beth Keating, Esq.  
Akerman Law Firm  
106 East College Avenue, Suite 1200  
Tallahassee, FL 32301

Dave Konuch, Esq.  
Florida Telecommunications Cable  
Association, Inc.  
246 East 6th Avenue  
Tallahassee, FL 32303

  
NORMAN H. HORTON, JR.