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OF COUNSEL
THOMAS F. WOODS

July 2, 1998

Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

HAND DELIVERY

Re: Docket No. 970365-GU
Complaint of Mother's Kitchen Ltd. against Florida Public
Utilities Company regarding refusal or discontinuance of
service.

Dear Ms. Bayo:

Enclosed for filing are an original and fifteen (15) copies
of Florida Public Utilities Company's Motion to Strike in the
above-referenced case.

Please acknowledge receipt of the foregoing by stamping the
enclosed extra copy of this letter and returning same to my
attention.

- ACK
- AFA
- APP
- CAF
- CMU
- CTR
- EAG
- LEG *Elias*
- LIN
- OPC
- RCH
- SEC
- WAS
- OTH

Thank you.

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[Signature]
FPSC-BUREAU OF RECORDS

Sincerely,
[Signature]
Kathryn G.W. Cowdery

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FPSC-RECORDS/REPORTING

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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint of Mother's
Kitchen Ltd. against Florida
Public Utilities Company
regarding refusal or
discontinuance of service.

Docket No. 970365-GU

MOTION TO STRIKE

COMES NOW FLORIDA PUBLIC UTILITIES COMPANY (FPUC), by and through its undersigned counsel, and hereby moves the Commission to strike the Complainant's exceptions filed in this cause. As grounds therefore, FPUC would show the following:

1. The Judge filed his Recommended Order with the Commission on June 11, 1998.
2. The Complainant filed exceptions thereto on June 29, 1998.
3. Pursuant to § 120.57(1)(I), the deadline for filing exceptions to the Recommended Order was 15 days from the filing of the Order, that is, June 26, 1998.
4. Complainant has failed to meet that deadline, and the exceptions are therefore untimely.
5. The Complainant has failed to offer any proof of excusable neglect, and, therefore, the exceptions must be stricken. See Hamilton County Bd. of County Comm'rs v. State of Florida, Dep't of Env'tl. Regulation, 587 So.2d 1378 (Fla. 1st DCA 1991).
6. Furthermore, Rule 28-206.104(f) requires that a

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certificate of service shall accompany each document filed with the Public Service Commission.

7. As provided for in the Rules of Civil Procedure, a certificate of service is one party's attestation and certification that, in fact, a particular filing was sent to the other party on a particular day.

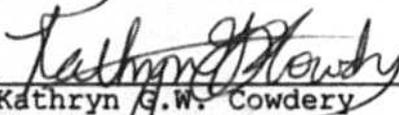
8. However, Complainant's exceptions were mailed to the undersigned well after the June 24, 1998, Certificate of Service, and after the June 29, 1998 date of filing, as evidenced by the June 30, 1998, post-mark on the envelope in which it was received by the undersigned at her office on July 2, 1998. See Exhibit "A".

WHEREFORE, FLORIDA PUBLIC UTILITIES respectfully moves this Commission for an Order striking the Complainant's late-filed exceptions, for all the reasons aforestated.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing has been sent, via U.S. Mail, to: Anthony Brooks, II, Qualified Representative, P.O. Box 1363, Sanford, Florida, 32772, and via Hand Delivery to: Bob Elias, Esquire, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, on this 2nd day of July, 1998.

Respectfully submitted,



Kathryn G.W. Cowdery
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Attorney for FPUC

MOTHERS KITCHEN LTD.

P.O. Box 1363

SAN JUAN DE LOS RIOS, FLORIDA 32772

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Ms. KATHRYN G.W. Cowdery
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