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JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

ORIGINAL
FILE COPY

c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400
904-488-9330

January 12, 1995

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Docket No: 940109-WU
St. George Island Utility Co., Ltd.

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Motion to Strike.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Harold McLean
Associate Public Counsel

RECEIVED
JAN 12 1995
H.M. McLean
ASSOCIATE PUBLIC COUNSEL

- ACK ✓
- AFA 2 HM:bsr
- APP Enclosures
- CAF _____
- CMU _____
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- EAG _____
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- WAS Chapdelaine
- JTH _____

DOCUMENT NUMBER-DATE

00399 JAN 12 95

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Interim and) DOCKET NO. 940109-WU
Permanent Rate Increase in)
Franklin County, Florida by) January 12, 1995
ST. GEORGE ISLAND UTILITY)
COMPANY, LTD.)
_____ /

CITIZENS' MOTION TO STRIKE

The Citizens of the State of Florida, by and through JACK SHREVE, Public Counsel, move the Commission to strike the portions of the December 27, 1995 filing by St. George Island Utility Company, Ltd. (SGU) which purport to be a reply to a response to a motion for reconsideration as say as follows:

1. SGU filed a timely motion for reconsideration; the Citizens responded thereto; and filed a cross motion for reconsideration, both of which were timely;
2. SGU's motion is authorized under Commission Rule 22-25.060(1)(a), Florida Administrative Code; the Citizens' response thereto is authorized under Rule 22-25.060(1)(b), F.A.C., as is the Citizens' cross motion for reconsideration;
3. To the extent SGU's December 27 filing responds to the Citizens' cross motion for reconsideration, it too is permitted under Rule 22-25.060(1)(b), F.A.C.;
4. To the extent SGU's December 27 filing replies to the response of the Citizens to SGU's motion for reconsideration, it is not authorized by Commission Rule;

5. The portion of the December 27 filing to which ¶ 4 above refers begins at the designation "I" on the cover page of the filing and runs to the designation "III" on page 10;

6. The Commission rules on this topic furnish adequate opportunity for each party to responsibly express its position with out undue burden to the Commission (and to affected parties) to consider potentially endless replies to responses to motions, responses to the responses, replies to the responses and replies to the replies;

7. Both the Citizens and SGU have availed themselves of their opportunities under the rules to express their positions. No prejudice would inure to SGU were it limited by the Commission to the opportunities for argument afforded by the Commission rules;

8. The portions of the December 27 filing to which the Citizens' here object is neither contemplated nor authorized; the expenses incurred by SGU in its preparation and filing are neither prudently nor fairly incurred in the production of utility service to the public.

WHEREFORE, the Citizens of the State of Florida move the Florida Public Service Commission to strike from the record of this case the material in SGU's December 27 filing as is set forth in ¶ 5 above, and to disallow the expenses associated with the preparation and filing thereof from the operation expenses of St. George Island Utility Company, Ltd.

Respectfully submitted,



**Harold McLean
Associate Public Counsel**

**Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400**

**Attorney for the Citizens
of the State of Florida**

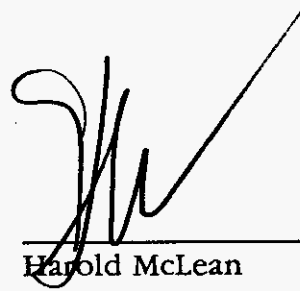
CERTIFICATE OF SERVICE
DOCKET NO. 940109-WU

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished
by U.S. Mail or hand-delivery to the following parties on this 12th day of January, 1995.

Robert Pierson, Esq.
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Florida Public Service Commission
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Associate Public Counsel