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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN	RE:	COMPLAINT OF	MOTHER'S KITCHEN LTD.
			AINST IC UTILITIES COMPANY.

DOCKET No. 970365-GU

COMPLAINTANT'S RESPONSE TO RESPONDENT'S MOTION TO STRIKE PETITIONER'S RESPONSE

COMES NOW MOTHER'S KITCHEN LTD., BY AND THROUGH IT'S UNDERSIGNED QUALIFIED REPRESENTATIVE, AND HEREBY FILES THIS IT'S RESPONSE TO FLORIDA PUBLIC UTILITIES COMPANY'S MOTION TO STRIKE PETITIONER'S RESPONSE; AND IN SUPPORT THEREOF WOULD STATE THE FOLLOWING:

MOTHER'S KITCHEN FILING OF EXCEPTIONS

PURSUANT TO THE RECCOMMENDED ORDER PETITIONER, MOTHER'S KITCHEN LTD.

DID COMPLY WITH THE ALJ'S INSTRUCTIONS BY FILING IT'S LISTED EXCEPTIONS PRIOR

TO THE STATED DEADLINE AS THE COMMISSION RECORDS WILL REFLECT AND THE OFFICE OF

THE ALJ CAN VERIFY.

THE RECCOMENDED ORDER STATED PARTIES HAD FIFTEEN DAYS TO FILE THEIR EXCEPTIONS WITH THE AGENCY HAVING FINAL ORDER AUTHORITY. MOTHER'S KITCHEN LTD. FILED IT'S EXCEPTIONS VIA OVERNIGHT MAILING WITH THE COMMISSION AND THE ALJ'S OFFICE PRIOR TO THE DEADLINE FOR FILING; IT WAS MAILED THIS WAY SO MOTHER'S KITCHEN LTD. WOULD HAVE A CERTIFIABLE U.S. POSTAL SERVICE ACCOUNTING OF DELIVERY DATES TO ESTABLISH THE EXACT DATE OF DELIVERY. THE COURTESY COPY OR RESPONDENT'S COPY WAS DROPPED IN THE U.S. POSTAL SERVICE'S DROP BOX ALONG WITH OTHER REGULAR BUSINESS MAIL THAT SAME DAY FOR DELIVERY BY REGULAR MAIL.

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	THE COMPLAINTANT/PETITIONER FULFILLED IT'S OBLIGATION BY PLACING THE
FA	RESPONDENT'S COPY IN A FULLY GENUINE U.S. MAIL RECEPTACLE THE EXACT DATE OF IT'S
PP	MESPONDENT S COPT IN A POLLT GENOTILE OF THE RECEI THESE THE
) CERTIFICATION OF MAILING.
	THE COMMISSION'S RECORD OF RECEIPT AND THE ALJ'S OFFICE RECORD OF RECEIPT
UM	THE CONTINUE OF THE PARTY OF TH
,,,,	CLEARLY DEMONSTRATE THE EXCEPTIONS WERE TIMELY FILED.
TR	CLEARLY DEPONDING THE DATE OF THE PARTY OF T

MOTHER'S KITCHEN FILING OF RESPONSE TO FLORIDA PUBLIC UTILITIES' MOTION TO STRIKE PETITIONER'S WRITTEN EXCEPTIONS

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THE PETITIONER/COMPLAINTANT FILED IT'S RESPONSE TO RESPONDENT'S MOTION DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

AS PETITIONER/COMPLAINTANT MAILED ONCE AGAIN FOLLOWED THE SAME ROUTE IN SUB-MITTING IT'S RESPONSE BY OVERNIGHT MAIL TO THE COMMISSION SO THAT A U.S. POSTAL RECORD WOULD BE AVAILABLE TO VERIFY THE RECEIPT DATE. THE COURTESY COPY OR RESPONDENT COPY WAS ONCE AGAIN DROPPED INTO A U.S. MAIL SERVICE RECEPTACLE FOR REGULAR MAILING ALONG WITH OTHER BUSINESS MAILING ON THE DATE OF CERTIFICATION.

THE BEST EVIDENCE OF PETITIONER'S/ COMPLAINTANT'S COMPLIANCE WITH ALL APPLICABLE RULES RELATING TO THIS ISSUE IS TO BE FOUND IN THE COMMISSION'S OWN RECORDS WHICH DEMONSTRATE TIMELY FILING WAS INDEED DONE. SINCE THE RECORD CONTAINS EVIDENCE OF TIMELY FILINGS; RESPONDENT'S ARGUMENTS AND CITATIONS SHOULD THEREFORE BE CONSIDERED MOOT AND ALL MOTIONS TO STRIKE DENIED.

ADDITIONALLY, FLORIDA RULES OF CIVIL PROCEDURE REQUIRES A PARTY MAKING SUCH A MOTION TO CONTACT THE ADVERSE PARTY IN AN EFFORT TO RESOLVE THE ISSUES OF SAID MOTION PRIOR TO FILING SAID MOTION. IF RESPONDENT'S FLORIDA BAR CERTIFIED COUNSEL HAD ADHERED TO THE RULE; RESPONDENT WOULD HAVE NOT HAD TO FILE IT'S MOTIONS. ADDITIONALLY BEFORE ARGUING UNTIMELY FILING, RESPONDENT HAD RESPONSIBILITY TO VERIFY THE COURT OR COMMISSION HAD NOT RECEIVED THE PLEADINGS COMPLAINED OF.

RESPONDENT'S MOTIONS ARE NOTHING MORE THAN A BASELESS FARCE DESIGNED TO
DETRACT ATTENTION AWAY FROM PERTINENT FACTUAL MATERIAL OBTAINED FROM THE RESPONDENT'S
RECORDS AND COMMISSION RECORDS; THIS IS A CONTINUANCE OF THE DISHONEST AND DISREPUTABLE BEHAVIOR OF THE RESPONDENT THROUGHOUT THIS WHOLE PROCEDURE.

THE PUBLIC SERVICE COMMISSION IS CHARGED BY THE STATE OF FLORIDA WITH THE RESPONSIBILITY TO ENSURE PUBLIC UTILITIES OPERATE WITHIN IT'S RULES SET FOR THE FAIR OPERATION OF SUCH UTILITIES IN ORDER TO PROTECT THE PUBLIC INTEREST AGAINST ABUSES BY SUCH UTILITIES. IN THE INSTANT CASE; COMMISSION RULES REQUIRE AN ISSUANCE OF A CERTIFICATE OF DEPOSIT; SOMETHING WHICH IF IT HAD BEEN DONE IN COMPLIANCE WITH THE RULE WOULD HAVE ASSURED THIS CASE WOULD NOT HAVE EXISTED IN THE FIRST PLACE. HOWEVER; NOT ONLY DOES THE RESPONDENT NOT HAVE SUCH A CERTIFICATE; BUT SET UPON A COURSE OF ORAL ARGUMENTATION ASSERTING A VERBAL STATEMENT THAT MR. BYRD ASKED FOR THE ACCOUNT TO BE SET UP IN A CERTAIN WAY; DESPITE MR. BYRD'S SWORN ASSERTION THAT HE HAD NO MEMORY OF SUCH A REQUEST. ADDITIONALLY, THE ADMINISTRATIVE LAW JUDGE IN HIS RECOMMENDED ORDER; STATES MR. BYRD WENT INTO THE UTILITY TO OPEN AN ACCOUNT IN THE PARTMERSHIP'S NAME; ONLY TO FURTHER IN HIS ORDER STATE THE OPPOSITE. THE ORDER IS FACTUALLY FLAMED AND REVERSIBLE ERROR IS PRESENT AS STATED IN

PLAINTIFFS' WRITTEN EXCEPTIONS. RESPONDENT AGAIN DUE TO IMPROPER RECORDS KEEPING RESULTED TO ORAL ASSERTIONS REGARDING YET A SECOND DEPOSIT; ABSENT ANY WRITTEN RECORDS TO SUBSTANCUATE THOSE ORAL REPRESENTATIONS; ABOUT A PETTY CASH ENTRY AND COMBINING PAYMENTS. YET PETTY CASH RECORDS SHOW NO WRITTEN ENTRY OF ANY OF PLAINTIFF'S PAYMENTS; ALTHOUGH MS. KEITT ENTERED THE PETTY CASH ACCOUNT AT LEAST TWO TIMES PRIOR TO THE 28TH OF AUGUST 1996; WHICH IS ALSO IN DIRECT OPPOSITION TO HER SWORN STATEMENT; THAT SHE PLACED FUNDS THERE AND DID NOT REALIZE SHE HAD FORGOTTEN ABOUT THEM UNTIL HER NEXT ENTERY INTO PETTY CASH SUPPOSEDLY OCCURRED ON AUGUST 28TH, 1996. IT DOES NOT TAKE A PERSON WITH ABOVE AVERAGE INTELLIGENCE TO REALIZE THE FALSITY PRESENT IN FPU'S ASSERTIONS; AND THE CIRCUMSTANCES FROM WHICH THEY ARISE; CLEARLY ARE INDICATIVE OF A COMPANY IN VIOLATION OF THE RULES CONCOCTING STORY AFTER STORY TO TRY AND COVER THEIR WRONGDOINGS. EVEN TROY'S BELATED ASSERTION ABOUT IRRATIONALITY AS AN EXCUSE FOR WRONGFULLY TERMINATING SERVICE; BLATANTLY DEMONSTRATE THIS ACTIVITY; THROUGH TWO COMMISSION HEARINGS TWO INFORMAL CONFERENCES AND TWO DAYS OF HEARINGS; FPU EITHER IN DOCUMENTATION OR ORAL ASSERTION MADE NO REFERENCE TO ANY IRRATIONALITY; ONLY AFTER TROY SAW ALL OF THEIR DEFENSES FALLING APART DID HE AND HIS COUNSEL CONCOCT THIS IRRATIONALITY SCENARIO. DESPITE NUMEROUS DOCUMENTATION SUPPLIED BY TROY TO THE COMMISSION AND IN RESPONSE TO NOTICES TO PRODUCE; BEARING ABSOLUTELY NO REFERENCE TO ANY SUCH IRRATIONALITY, FPU SEEKS BY SKIRTING AROUND THE EDGES OF THE TRUTH AND CITATION OF VARIOUS RULES TO AVOID THE COLD STARK REALIZATION OF FACT; AND THAT FACT IS THAT THIS COMPANY NOT ONLY VIOLATED RULES, BUT EXPOSED AN OPEN ARROGANCE AND CALLOUSNESS FOR OPERATING IN A HONEST FASHION WITH THE CITIZENS OF THIS STATE. AN ATTITUDE THAT SHOULD NOT BE TOLERATED.

THE COMMISSION SHOULD CONSIDER ALL FACTUAL DATA AVAILABLE TO IT IN DETERMINING COMPLIANCE; TO DO OTHERWISE WOULD VIOLATE LEGISLATIVE INTENT. LIKEWISE A VIGLATION OF IT'S RULES IN ANY FASHION BY A UTILITY CAN NOT AND SHOULD NOT BE TOLERATED, FOR TO DO SO CIRCUMVENTS IT'S PURPOSE FOR EXISTANCE. TO DO OTHERWISE; WOULD GIVE THE IMPRESSION THAT THE COMMISSION EXISTS TO REPRESENT THE INTERESTS OF THE UTILITIES AND NOT THE CITIZENS OF THE STATE OF FLORIDA.

WHEREFORE: PLAINTIFFS'/COMPLAINTANTS REQUEST THAT ALL RESPONDENTS' MOTIONS TO STRIKE BE DENIED.

RESPECTFULLY SUBMITTED THIS LATED DAY OF AUGUST 1998.

ANTHONY L. BROOKS II QUALIFIED REPRESENTATIVE MOTHER'S KITCHEN LTD. POST OFFICE BOX 1363 SANFORD, FLORIDA 32772 407) 323-3657 407) 572-4328

CERTIFICATE OF SERVICE:

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING WAS FURNISHED BY U.S. MAIL DELIVERY TO:

Ms. Kathryn Cowdery; attorney for Respondent 3301 Thomasville Road, Suite 300 Tallahassee, Florida 32312

AND;

Mr. Bob Elias, Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 This Latt Day of August 1998.

ANTHONY L. BROOKS II

P.O. Box 1363 SANFORD, FLORIDA 32772 MOTHERS LITCHEN LTD.







Ms. BAYO (RECEROS)
Public SERVICE COMM SSION 2540 SHUMARO PAK BIVA. TAllahasseE, STA