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April 9, 1996

HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

**ORIGINAL
FILE COPY**

RE: Docket No. 950387-SU
Application of Florida Cities Water Company, North Ft. Myers Division,
for an Increase in Wastewater Rates in Lee County, Florida

Dear Ms. Bayo:

- ACK
- AFA 2
- APP _____
- CAF _____
- CMU _____
- CTR _____
- ECG _____
- LEG 4
- JN 3
- OPC _____
- DPH _____
- SEC 1
- WAS 1
- OTH _____

Enclosed for filing are an original and fifteen copies of a Motion to Strike Testimony of Ted L. Bidy, in reference to the above docket.

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

Very truly yours,

B. Kenneth Gatlin

BKG/met
Enclosures

DOCUMENT NUMBER-DATE

04125 APR-96

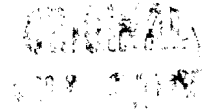
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Re: Application of Florida Cities Water)
Company, North Ft. Myers Division,)
for an increase in wastewater rates in)
Lee County, Florida)

Docket No. 950387-SU

Filed: April 9, 1996



MOTION TO STRIKE TESTIMONY
OF TED L. BIDDY

Florida Cities Water Company (FCWC) files this its Motion to Strike the Testimony of Ted L. Bidy, and states:

1. Mr. Bidy's testimony cover sheet is labeled "Direct Testimony of Ted L. Bidy, P.E./P.L.S. . . . on behalf of the Citizens' of the State of Florida."
2. Intervenors Direct Testimony was due March 13, 1996 (Order No. PSC-96-0035-PCO-SU, entered on January 9, 1996 Establishing Procedure in the docket).
3. A "draft" of Mr. Bidy's testimony was furnished to Mr. Schiefelbein of this firm on April 4, 1996 at the prehearing conference. As of today, Mr. Bidy's testimony has not been served on the undersigned, nor to the undersigned's knowledge filed with the Commission. For this reason, this testimony should be stricken.
4. Mr. Bidy's testimony can not be described as rebuttal testimony because Mr. Bidy does not direct his testimony to any testimony of a previous witness. At a deposition taken on this day of Mr. Bidy by the undersigned, Mr. Bidy said he had not examined any of the witnesses testimony except Public Counsel's witness Dismukes and Intervenor Ms. Walla. That being true, this is in no sense rebuttal testimony. In any event, rebuttal testimony and exhibits were due April 3, 1996 (Order No. PSC-96-0035-PCO-SU). This testimony then should not be received by the Commission as rebuttal testimony.

WHEREFORE, for the above stated reasons, Florida Cities Water Company moves that Mr. Biddy's testimony when and if filed in this case, be stricken and not allowed because of non-compliance with this docket's procedure Order No. PSC-96-0035-PCO-SU.

DATED this 9th day of April, 1996.

Respectfully submitted



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Attorneys for
FLORIDA CITIES WATER COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to Mr. Ralph Jaeger, Esquire, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and by U.S. Mail to Harold McLean, Esquire, Office of Public Counsel, 111 W. Madison Street, Room 812, Claude Pepper Building, Tallahassee, Florida 32399-1400, and also by regular U.S. Mail on this 9th day of April, 1996 to:

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