

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL FILE COPY

IN RE: APPLICATION OF MAD HATTER UTILITY, INC. FOR AMENDMENT OF WATER AND WASTEWATER CERTIFICATES IN PASCO COUNTY, FLORIDA

Docket No. 960576-WS

MAD HATTER'S MOTION TO STRIKE PREFILED TESTIMONY

Mad Hatter Utility, Inc. ("MHU"), by and through its undersigned counsel, moves to strike the prefiled direct testimony of John Gallagher and Michael Moses, and in support thereof states:

1. John Gallagher. Mr. Gallagher is the Pasco County Administrator and his prefiled direct testimony is limited to (a) Pasco County's agreement with MHU being limited to 350,000 gpd with additional capacity at the discretion of the County, (b) the agreement between MHU and the County includes a specific service area from which the County must accept MHU's sewage, and (c) MHU has never requested an increase in capacity from the County. Testimony on those exact same issues are included in the prefiled direct testimony of Douglas Bramblett, the Assistant County Administrator, which testimony is more expansive.

Other than preliminary questions, the questions asked of Mr. Gallagher and those of Mr. Bramblett can be compared as follows:

Gallagher

Bramlett

p.1 line 14

p. 1 line 16

p.1 line 18

p. 1 line 19

p. 1 line 24

p. 1 line 25

p. 2 line 8

p. 4 line 3

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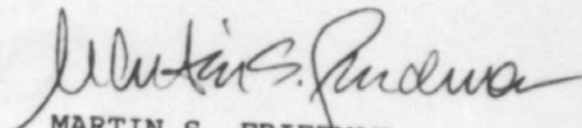
Thus, the testimony of Mr. Gallagher is redundant of that of Mr. Bramblett and adds nothing to the facts necessary for this Commission's determination of the issues that is not also included in Mr. Bramblett's testimony.

2. Michael Moses. Mr. Moses' testimony is limited to opining as to the value of MHU as of August 31, 1991, and he sponsors a report summarizing his opinion. This testimony is irrelevant to the issues in this docket, which is for extension of MHU's service area.

WHEREFORE, MHU requests this Commission issue an Order striking the testimony of John Gallagher and Michael Moses.

Respectfully submitted this 17th
day of April, 1997.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by regular U.S. Mail to the following individuals on this 17th day of April, 1997.

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