

ORIGINAL  
FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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 Michael Orsi and Clyde Hobby, and in support thereof states:

Michael Orsi is the developer of the Oak Grove subdivision in Pasco County and Clyde Hobby is the attorney for the developer. The Oak Grove subdivision is presently within Mad Hatter's PSC certificated service area, and there is no issue in the instant docket which seeks to remove the Oak Grove subdivision from its service area.

The testimony of both of these witnesses is regarding their inability to reach an agreement with Mad Hatter for water and

- ACK \_\_\_\_\_ wastewater service to the proposed development which is irrelevant
- AFA \_\_\_\_\_ to the issues in the instant docket. If this developer had a
- APP \_\_\_\_\_ legitimate dispute regarding the propriety of Mad Hatter's proposed
- CAF \_\_\_\_\_ developer agreement, there is an appropriate PSC procedure for
- CMU \_\_\_\_\_ handling such disputes. See Rule 25-30.560, Florida Administrative
- CTR \_\_\_\_\_ Code. The instant docket is not appropriate process to address
- EAG 1 \_\_\_\_\_ This developer's problem, which, incidentally arose over two years
- LEG 3 \_\_\_\_\_ ago. If this issue was so pressing to the developer, why did he
- LIN \_\_\_\_\_ wait so long to raise it? A cynic might suggest that the County
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
04239 APR 25 5  
FPSC-RECORDS/REPORTING

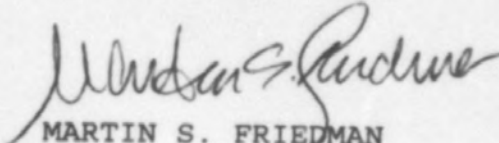
dredged up these witnesses to make personal attacks on Mr. Delucenay, since the County lost on this issue in Federal Court.

In addition, the testimony of Mr. Orsi is duplicative of that of Mr. Hobby, and if the Commission should somehow find that their testimony has some relevance, then only one of them should be allowed to testify.

WHEREFORE, MHU requests this Commission issue an Order striking the prefiled direct testimony of Michael Orsi and Clyde Hobby.

Respectfully submitted this 25th  
day of April, 1997.

ROSE, SUNDSTROM & BENTLEY, LLP  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301  
(904) 877-6555  
(904) 656-4029 FAX



MARTIN S. FRIEDMAN  
For the Firm

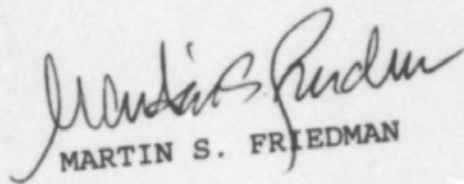
CERTIFICATE OF SERVICE

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 25th day of April, 1997.

VIA TELECOPY

Marion Hale, Esq.  
Johnson, Blakely, Pope, et al.  
Post Office Box 1368  
Clearwater, FL 34617

Roseanne Capeless, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

  
MARTIN S. FRIEDMAN

mad\striktes.mot