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February 17, 1998

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32301

Re: Docket No. 960235-WS, Application for Transfer of Certificate
Nos. 404-W and 341-S in Orange County from Econ Utilities
Corporation to Wedgefield Utilities, Inc.

Docket No. 960283-WS, Application for Amendment of Certificate
Nos. 404-W and 341-S in Orange County by Wedgefield Utilities,
Inc.

Dear Ms. Bayo:

Enclosed for filing on behalf of Wedgefield Utilities are the
original and fifteen copies of the following documents:

Wedgefield Utility's Motion to File Supplemental
Testimony and Exhibits on Burden of Proof

and

Supplemental Testimony and Exhibits of Frank Seidman.

Thank you for your assistance.

Sincerely yours,

Ben E. Girtman

- ACK _____
- MFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 2 Encls.
- LN 3417 w/encl. Mr. Carl Wenz
Mr. Frank Seidman
- OPC _____
- RCH _____
- SEC 1
- WAS 1
- OTH _____

testimony
DOCUMENT NUMBER-DATE
02290 FEB 17 88
FPSC-RECORDS/REPORTING

motion
DOCUMENT NUMBER-DATE
02289 FEB 17 88
FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Transfer)
of Certificate Nos. 404-W and)
341-S in Orange County from Econ)
Utilities Corporation to)
Wedgefield Utilities, Inc.)

DOCKET NO. 960235-WS

In Re: Application for)
Amendment of Certificate Nos.)
404-W and 341-S in Orange County)
by Wedgefield Utilities, Inc.)

DOCKET NO. 960283-WS

Submitted for Filing:
February 17, 1998

WEDGEFIELD UTILITY'S
MOTION TO FILE
SUPPLEMENTAL TESTIMONY AND EXHIBITS
ON BURDEN OF PROOF

COMES NOW Utilities, Inc. and its wholly owned subsidiary, Wedgefield Utilities, Inc., (hereinafter collectively referred to as "Wedgefield") and in support of its Motion to File Supplemental Testimony on the Burden of Proof states:

1. Commission Staff has taken a position on burden of proof, without support of its own testimony and after all testimony deadlines had passed, that is contrary to established Commission policy.

2. In Issue No. 8 of the Prehearing Order No. PSC-97-0952-PHO-WS, Staff took the position that the burden of proof is on the utility in all cases where an acquisition adjustment is at issue, including both negative and positive acquisition adjustments. This is contrary to the Commission policy of the burden resting with the proponent of the acquisition adjustment, which in this case is the

Office of Public Counsel (OPC).

3. Such a change in policy without prior notice, without rulemaking, and without any prior action of the Commission to put affected utilities and others on notice of this major change would be in violation of the Florida Constitution and the U.S. Constitution, and not in compliance with the Florida Administrative Procedures Act (Ch. 120, F.S.), and the prior orders of this Commission.

4. Such a change in the burden of proof would place a utility in the impossible position of having to prove a negative, that is, that there are no circumstances under which a negative acquisition adjustment is warranted.

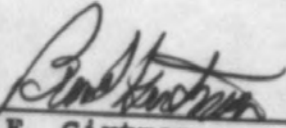
5. Wedgefield believes that the Commission should, and must, decide Issue No. 8 in a manner consistent with its prior decisions and rule against the Staff's position. The burden of proof resides with the proponent of the acquisition adjustment. This conclusion is based upon a review of the 99 cases found to have been decided by the Commission on acquisition adjustments in the decade between 1988 and 1997.

6. However, if the Commission were to decide otherwise in this case, Wedgefield feels that it must supplement its testimony on the issue of burden of proof. Wedgefield has met its burden in this case, even if the Commission were to decide that it has the burden of proof on a negative acquisition adjustment.

WHEREFORE, Wedgefield Utilities respectfully requests that the Prehearing Officer grant its motion to file the attached

supplemental testimony and exhibits and provide the Commission Staff and the OPC an opportunity to file written rebuttal testimony, if either of them should so desire.

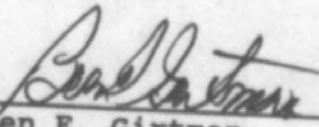
RESPECTFULLY SUBMITTED, this 17th day of February, 1998.


Ben E. Girtman
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Tallahassee, FL 32301

Attorney for Utilities, Inc.
and Wedgefield Utilities, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to Charles Beck, Esq. * Office of Public Counsel, 111 W. Madison St., Tallahassee, FL 32399-1400; Mr. John Forrer, Econ Utilities, Inc., 1714 Hoban Rd. NW, Washington, D.C. 20007; and to Jennifer Brubaker, Esq. * Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, by U.S. Mail (or by hand delivery * or facsimile #) this 17th day of February, 1998.


Ben E. Girtman