

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Customers of ) Docket No. 020896-WS  
Aloha Utilities, Inc. for deletion of )  
a portion of territory in Seven )  
Springs area in Pasco County. )  
\_\_\_\_\_)

MOTION TO STRIKE

Aloha Utilities, Inc. (“Aloha”), by and through its undersigned attorneys, files this Motion to Strike the “Rebuttal to Motion to Dismiss the Petition Submitted by Certain Customers of Aloha Utilities, Inc.” in Docket No. 020896-WS, dated November 4, 2002 and filed by V. Abraham Kurien, M.D. (“Dr. Kurien”) and in support thereof states as follows:

Untimely Supplemental Response

1. Aloha’s Motion to Dismiss was filed in the above-referenced case on September 5, 2002, pursuant to Rule 28-106.204, F.A.C.
2. On September 17, 2002 the Office of Public Counsel (“OPC”) and Dr. Kurien filed responses to Aloha’s Motion to Dismiss in accordance with the time limitations prescribed by 28-106.204 (1), F.A.C.
3. By email on Monday, November 4, 2002 and purportedly by U.S. Mail on the same date, Dr. Kurien filed an additional “Rebuttal to Motion to Dismiss the Petition Submitted by Certain Customers of Aloha Utilities, Inc.” in Docket No. 020896-WS to supplement his additional filing of September 17, 2002.
4. Pursuant to the requirements of Rule 25-106.204(1), F.A.C., any response to a motion must be filed within seven days of the service of the motion. There is no provision within that rule for filing of supplemental or second responses.

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5. This latest filing by Dr. Kurien on November 4, 2002 is an attempt at a second response to Aloha's Motion to Dismiss not provided for by any rule and is untimely and as such, must be stricken.

Unauthorized Representation

1. To the best of the knowledge and belief of the undersigned, Dr. Kurien is not a member of the Florida Bar, or otherwise qualified to represent other persons in proceedings before the Florida Public Service Commission.

2. As such, Dr. Kurien does not and cannot represent the interests of parties other than himself in this proceeding. The PSC should issue an Order instructing Dr. Kurien that he should conduct himself accordingly and refrain from continued allegations of representation of others in plain violation of Florida Statutes and authority regarding the unauthorized practice of law.

**WHEREFORE**, Aloha Utilities, Inc. hereby requests that the Commission issue its Order striking the Supplemental Response to Aloha's Motion to Dismiss filed on November 4, 2002 by Dr. V. Abraham Kurien and admonish Dr. Kurien that he is appearing in this proceeding representing only himself and should refrain from alleging otherwise or engaging in the unauthorized practice of law.

Respectfully submitted this 7<sup>th</sup> day of  
November, 2002, by:  
  
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*Attorneys for Aloha Utilities, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail (\*hand delivery) this 7<sup>th</sup> day of November, 2002, to:

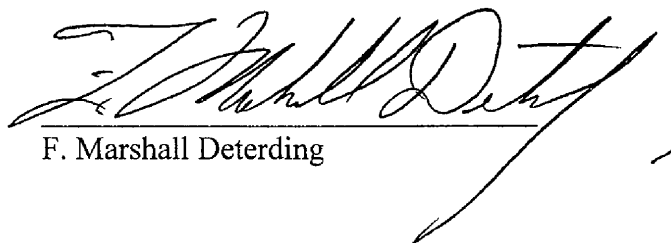
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