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(LICENSED IN TEXAS ONLY)

August 12, 2003

HAND DELIVERY

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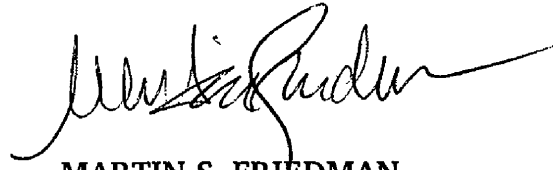
Ms. Blanca Bayo
Commission Clerk and Administrative Services Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket No.: 020907-WS; Lake Utility Services, Inc.'s Application for Extension of Water and Wastewater Service in Lake County, Florida
Our File No. 30057.49

Dear Ms. Bayo:

Enclosed please find for filing in the above-referenced docket the original and seven (7) copies of Lake Utility Services, Inc.'s Motion to Strike Portions of the City of Clermont's Prehearing Statement and Deny Request by City to Introduce Testimony and Exhibits at Hearing.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF/dmp
Enclosures

AUS _____
CAF _____
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CTR _____
ECR _____
GCL _____
OPC _____
TAMS _____
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Maura Bolivar, Esquire (w/enclosures)
Gregory T. Stewart, Esquire (w/enclosures)
Adrienne Vining, Esquire (w/enclosures)
Mr. Steven M. Lubertozzi (w/enclosures)
Mr. Patrick Flynn (w/enclosures)
Mr. David L. Orr (w/enclosures)

DOCUMENT NUMBER DATE
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**IN RE: Application of Lake Utility
Services, Inc. for extension of water
and wastewater service in
Lake County, Florida**

Docket No. 020907-WS

**MOTION TO STRIKE PORTIONS OF CITY OF CLERMONT'S
PREHEARING STATEMENT AND DENY REQUEST BY CITY
TO INTRODUCE TESTIMONY AND EXHIBITS AT HEARING**

Lake Utility Services, Inc. (*Applicant*), through its attorney, request that the Florida Public Service Commission (*Commission*) strike portions of the Prehearing Statement of the City of Clermont (*City*) and deny any request by the City to introduce any testimony and exhibits at the hearing of this matter for the reasons set forth below:

1. The Order Establishing Procedure, Order No. PSC-03-00990-PSC-WS, dated January 15, 2003, as revised by Order No. PSC-03-0279-PSC-WS, dated February 28, 2003, and Order No. PSC-03-0720-PCO-WS, dated June 17, 2003 (*Order*), required the City and other intervenors in this matter, to file prefiled testimony and exhibits on or before July 18, 2003.
2. The City failed to file any prefiled testimony or designate any exhibits on or before the date established by this Commission and has not requested an extension of time to do so.
3. The City filed its Pre-hearing Statement on or about August 4, 2003, enumerating, among other matters, nine witnesses and seven exhibits it intends to use at the hearing on this matter.
4. The Order provided that "Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony".

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5. The introduction of any testimony and exhibits at the hearing by the City will prejudice the Commission Staff, the Applicant, and the other intervenors, in that they will not have had sufficient time to evaluate the basis for the positions of the City and prepare a defense to them. Further, the Applicant and the Commission Staff have complied with the Order and filed prefiled testimony. As a result of their compliance with the lawful Order of this Commission, they have made their positions on the issues known and identified the exhibits they intend to rely on at the hearing. The admission of any evidence by the City will cause substantial unfairness and surprise to the parties because, by failing to identify its witnesses and the exhibits it intends to rely on at the hearing, the City will have an unfair advantage over the Commission Staff and the Applicant.

WHEREFORE, the Applicant, Lake Utility Services, Inc., requests that this Commission strike those portions of the City's Prehearing Statement identifying testimony and exhibits on which it intends to rely at the hearing of this matter and further to deny any request by the City to introduce any testimony and exhibits at the hearing of this matter.

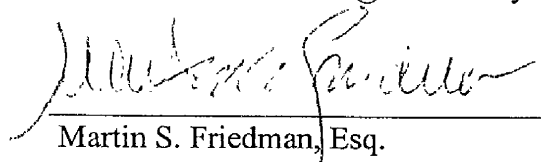
Respectfully submitted,

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Martin S. Friedman, Esq.

CERTIFICATE OF SERVICE
DOCKET NO. 020907-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Lake Utility Services, Inc. Motion to Strike Portions of the Prehearing Statement of the City of Clermont and Deny Request by City to Introduce Testimony and Exhibits at Hearing has been furnished by U.S. Mail to the following parties on this 11th day of August, 2003:

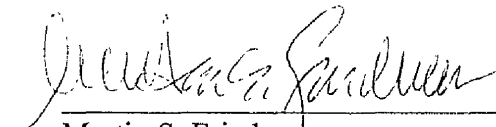
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