

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
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In re: Application for amendment)
of Certificate No. 427-W to add)
territory in Marion County by) Docket No. 960867-WU
Windstream Utilities Company.)
_____)

WINDSTREAM UTILITIES COMPANY'S
MOTION TO STRIKE PREFILED REBUTTAL
TESTIMONY OF MARION COUNTY

WINDSTREAM UTILITIES COMPANY ("Utility"), by and through its undersigned attorneys, moves to strike the prefiled rebuttal testimony of Gerald C. Hartman, filed on behalf of Marion County, ("County"), and in support thereof states:

1. The Order Establishing Procedure, PSC Order No. PSC-96-1273-PCO-WU ("Order") established that the Utility would file its direct testimony on December 9, 1996, that the County would file its direct testimony on January 9, 1997, that the Staff would file its direct testimony, if any, on February 10, 1997, and that rebuttal testimony would be filed March 10, 1997.

2. The Utility and the County filed their direct testimony

ACK _____ in accordance with the Order and the Staff chose not to file any
AFA _____
APP _____ direct testimony.

CAF _____ 3. On February 19, 1997, the County filed rebuttal testimony
CMU _____ of Mr. Hartman purportedly in response to the direct testimony of
CTR _____
EAG _____ Mr. Dlouhy.

LEG 1 _____ 4. The County's direct testimony filed on January 9, 1997 is
LIN 3 _____ supposed to respond to the direct testimony of the Utility, which
OPC _____

RCH _____
SEC 1 _____
WAS _____
OTH _____

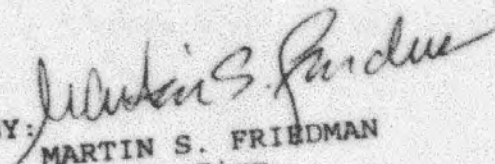
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is why such testimony is filed thirty days after the Utility's direct testimony instead of simultaneously with the Utility's direct testimony. Since the PSC Staff chose not to file direct testimony, the County had no testimony to rebut.

WHEREFORE, the Utility respectfully requests that the Commission strike the prefiled rebuttal testimony of Mr. Hartman filed on behalf of the County.

Respectfully submitted on this
24th day of February, 1997, by:

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BY: 
MARTIN S. FRIEDMAN
For the Firm

CERTIFICATE OF SERVICE

Docket No. 960867-WU

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail (unless otherwise noted) to the following parties this 24th of February, 1997.

D. Cyrus-Williams
Florida Public Service Commission
Legal Division
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

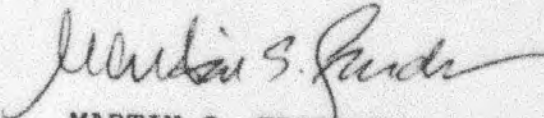
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