

LAW OFFICES
ROSE, SUNDBSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301
(904) 877-8856

ORIGINAL
FILE COPY

CHRIS H. BENTLEY, PA.
F. MARSHALL DETERDING
BRIAN L. DOSTER
MARTIN E. FRIEDMAN, PA.
JOHN R. JENKINS, PA.
STEVEN T. MINDLIN, PA.
ROBERT M. C. ROSE
DAREN L. SHIPPY
WILLIAM E. SUNDBSTROM, PA.
DIANE D. TREMOR, PA.
JOHN L. WHARTON

MAILING ADDRESS
POST OFFICE BOX 158
TALLAHASSEE, FLORIDA 32302-1587
TELECOPIER (904) 888-4088

May 15, 1997

VIA FACSIMILE AND U.S. MAIL

Thomas A. Cloud, Esquire
Gray, Harris & Robinson, P.A.
P.O. Box 3068
Orlando, FL 32802-3068

Re: Windstream Utilities Company; Docket No. 960867-WU
Our File No. 26067.02

Dear Tom:

As you know, we spoke at approximately 9:40 this morning by phone. You called to discuss several matters concerning deposition exhibits due to one another. While talking, you mentioned several motions which you had filed. Motions, which as I understood your comments, related to striking Windstream's direct testimony and a motion for leave to file rebuttal testimony. I have checked my mail, checked with my secretary, my receptionist and my partners who have been involved in this case and no one has received any such motions. While you mentioned Monday as their date, when I expressed surprise at such a filing, you did not indicate whether they were alleged to have been hand-delivered or mailed on Monday. I would appreciate it if you would send me any copies of those immediately by telecopy and any proof you have that they were delivered to our office. By copy of this letter, I am informing the Commission Staff Counsel and Clerk of this discrepancy.

I am concerned that this is the second time during this proceeding that you have sent something to this office which has never been received. I would appreciate your taking whatever measures are necessary to make sure that things are properly delivered in the future. We will take whatever action is necessary to ensure that this discrepancy does not interfere with my client's due process rights once I am able to review the documents.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE

04871 MAY 15 97

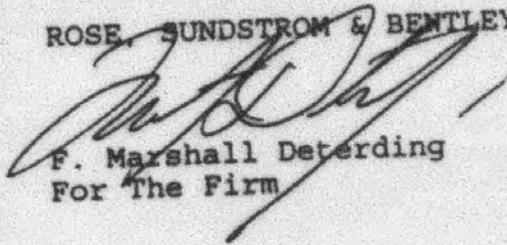
FPSC-RECORDS/REPORTING

Thomas A. Cloud, Esquire
May 15, 1997
Page 2

I appreciate your prompt attention to this matter.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP



F. Marshall Deterding
For The Firm

FMD/lts

cc: Donna Cyrus-Williams, Esquire
Blanca Bayo, Director of Records and Reporting
Butch and Shari Dlouhy