

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ORIGINAL

MOTHER'S KITCHEN LTD.,)
)
 Petitioner,)
)
 vs.)
)
 FLORIDA PUBLIC UTILITIES)
 COMPANY, A FLORIDA)
 CORPORATION,)
)
 Respondent,)
 _____)

Case No. 97-4990

970365-CU

ORDER GRANTING RESPONDENT'S MOTION TO STRIKE
AND FOR PROTECTIVE ORDER

THIS CAUSE was heard by telephone conference call on Respondent's Motion to Strike Petitioner's First Set of Interrogatories and for Protective Order before the undersigned Administrative Law Judge on December 10, 1997, and being fully advised in the premises, it is

FOUND AND DETERMINED that:

1. The proper party-respondent upon whom interrogatories should be served by Petitioner is Florida Public Utilities Company,

ACK _____ and not individual employees of Florida Public Utilities Company.
AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
LIN _____
in nature.

OPC _____
RCH _____
SEC _____
WAS _____
OTH _____
3. Petitioner's Notice to Produce document request nos. 2, 4 and 5, to the extent individual utility account information is requested for Mr. Alfred Byrd, unrelated to the Mother's Kitchen Ltd. Commercial account, seeks information which is irrelevant and

DOCUMENT NUMBER DATE

12993 DEC 19 97

FPSC-RECORDS/REPORTING

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MOTHER'S KITCHEN LTD.,)
)
 Petitioner,)
)
 vs.) Case No. 97-4990
)
 FLORIDA PUBLIC UTILITIES)
 COMPANY, A FLORIDA)
 CORPORATION,)
)
 Respondent,)
)
 _____)

ORDER GRANTING MOTION TO DESIGNATE PROPER PARTIES
AND TO REQUIRE PETITIONERS TO COMPLY
WITH QUALIFIED REPRESENTATIVE RULES

THIS CAUSE was heard by telephone conference call on Respondent's Motion to Designate Proper Parties and to Require Petitioner(s) to Comply with Qualified Representative Rules, before the undersigned Administrative Law Judge and being fully advised in the premises, it is

FOUND AND DETERMINED that:

1. Mother's Kitchen Ltd. Is not a corporation registered in the State of Florida or any other state.

2. Anthony L. Brooks, II, Daniele M. Dow-Brooks, Eddie Hodges, and Arthur L. Brooks are parties whose substantial interests are determined by the Proposed Agency Action Order at issue in this case.

3. It appears that the determination of the rights of parties in this proceeding will necessarily involve a determination of the substantial interests of Mr. Alfred Byrd.

COPIES FURNISHED:

Anthony Brooks, II
Mother's Kitchen Ltd.
Post Office Box 1363
Sanford, Florida 32772

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Gatlin, Schiefelbein & Cowdery, P.A.
3301 Thomasville Road, Suite 300
Tallahassee, Florida 32312

Kay Flynn, Chief
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KAY FLYNN CHIEF
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BUREAU OF RECORDS
2540 SHUMARD OAK BLVD
TALLAHASSEE FL 32399

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ORIGINAL

MOTHER'S KITCHEN LTD.,)

Petitioner,)

vs.)

Case No. 97-4990

FLORIDA PUBLIC UTILITIES)
COMPANY, A FLORIDA)
CORPORATION,)

Respondent,)

970365-GU

ORDER GRANTING RESPONDENT'S MOTION TO STRIKE
AND FOR PROTECTIVE ORDER

THIS CAUSE was heard by telephone conference call on Respondent's Motion to Strike Petitioner's First Set of Interrogatories and for Protective Order before the undersigned Administrative Law Judge on December 10, 1997, and being fully advised in the premises, it is

FOUND AND DETERMINED that:

1. The proper party-respondent upon whom interrogatories

ACK _____ should be served by Petitioner is Florida Public Utilities Company,

AFA _____ and not individual employees of Florida Public Utilities Company.

APP _____, 2. Petitioner's First Set of Interrogatories, interrogatory

CAF _____ nos. 2, 3, 4, 5, 6, 7, 8, and 25, request irrelevant information

CMU _____ not reasonably expected to lead to the discovery of admissible

CTR _____ evidence in this action, and which are personal and/or confidential

EAG _____ in nature.

LEG _____

LIN _____

OPC _____ 3. Petitioner's Notice to Produce document request nos. 2, 4

RCH _____ and 5, to the extent individual utility account information is

SEC _____ requested for Mr. Alfred Byrd, unrelated to the Mother's Kitchen

WAS _____ Ltd. Commercial account, seeks information which is irrelevant and

OTH _____

DOCUMENT NUMBER DATE

12993 DEC 19 97

FPSC-RECORDS/REPORTING

is not reasonably expected to lead to the discovery of admissible evidence in this action, and which is treated as confidential by FPU in the normal course of business. It is, therefore,

ORDERED that Respondent's motion is granted, as set forth in this Order.

DONE AND ORDERED this 17th day of December, 1997, in Tallahassee, Leon County, Florida.



DANIEL M. KILBRIDE
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(904) 488-9675 SUNCOM 278-9675
Fax Filing (904) 921-6847

Filed with the Clerk of the
Division of Administrative Hearings
this 17th day of December, 1997.

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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ORDER GRANTING MOTION TO DESIGNATE PROPER PARTIES
AND TO REQUIRE PETITIONERS TO COMPLY
WITH QUALIFIED REPRESENTATIVE RULES

THIS CAUSE was heard by telephone conference call on Respondent's Motion to Designate Proper Parties and to Require Petitioner(s) to Comply with Qualified Representative Rules, before the undersigned Administrative Law Judge and being fully advised in the premises, it is

FOUND AND DETERMINED that:

1. Mother's Kitchen Ltd. Is not a corporation registered in the State of Florida or any other state.

2. Anthony L. Brooks, II, Daniele M. Dow-Brooks, Eddie Hodges, and Arthur L. Brooks are parties whose substantial interests are determined by the Proposed Agency Action Order at issue in this case.

3. It appears that the determination of the rights of parties in this proceeding will necessarily involve a determination of the substantial interests of Mr. Alfred Byrd.

4. Mr. Anthony L. Brooks has been requested by Daniele M. Dow Brooks, Eddie Hodges, and Arthur L. Brooks to act as qualified representative on their behalf in this proceeding. It is, therefore,


ORDERED that:

1. Anthony L. Brooks, II, Daniele M. Dow-Brooks, Eddie Hodges, and Arthur L. Brooks are designated as petitioners in this proceeding, d/b/a Mother's Kitchen Ltd.

2. Mr. Alfred Byrd should be notified of this proceeding and given an opportunity to be joined as a party of record, pursuant to Florida Administrative Code Rule 60Q-2.012.

3. Mr. Anthony L. Brooks, II, is conditionally approved to act as qualified representative of the petitioners in this proceeding. In order for Mr. Anthony Brooks, II, to continue acting as petitioners' qualified representative, petitioners must comply with Florida Administrative Code Rule 60Q-2.008(2), and file a written request and affidavit as set forth in Florida Administrative Code Rule 28-106.109(2)(a).

DONE AND ORDERED this 17th day of December, 1997, in Tallahassee, Leon County, Florida.


DANIEL M. KILBRIDE
Administrative Law Judge
Division of Administrative Hearings
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1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
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Fax Filing (904) 921-6847

Filed with the Clerk of the
Division of Administrative Hearings
this 17th day of December, 1997.

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