



JACK SHREVE  
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ORIGINAL

April 23, 1998

Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. ~~960235-WS~~ & 960238-WS

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Response to Wedgefield Utilities' Pleading Dated April 17, 1998.

Please indicate the time and date of receipt on the enclosed duplicate of this letter.

Sincerely,

Charles J. Beck  
Deputy Public Counsel

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AFA	<input type="checkbox"/>
APP	<input type="checkbox"/>
CAF	<input type="checkbox"/>
CMU	<input type="checkbox"/>
CTR	<input type="checkbox"/> CJB:bsr
EAG	<input type="checkbox"/>
LEG	<input checked="" type="checkbox"/> Enclosures
LIN	<input checked="" type="checkbox"/>
OPC	<input type="checkbox"/>
RCH	<input type="checkbox"/>
SEC	<input type="checkbox"/>
WAS	<input type="checkbox"/>
OTH	<input type="checkbox"/> Lea Jkt

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER - DATE

~~04579~~ APR 23 1998

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for Transfer )  
of Certificate Nos. 404-W and )  
341-S in Orange County From Econ )  
Utilities Corporation to )  
Wedgefield Utilities, Inc. )

Docket No. 960235-WS  
Filed: April 23, 1998

In Re: Application for )  
Amendment of Certificates Nos. )  
404-W and 341-S in Orange County )  
by Wedgefield Utilities, Inc. )

Docket No. 960283-WS  
Filed: April 23, 1998

**CITIZENS' RESPONSE TO WEDGEFIELD UTILITIES' PLEADING  
DATED APRIL 17, 1998**

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this response to the pleading filed by Wedgefield Utilities, Inc. ("Wedgefield") on April 17, 1998.

1. Wedgefield's pleading takes exception to the Citizens' objection to late-filed exhibit 18. At paragraph 4 of its pleading, Wedgefield claims that "the situation is no different than the circumstances arising from the presiding officer's decision at the hearing to admit exhibit 4 into evidence," implying that late-filed exhibit 18 should be admitted into evidence because exhibit 4 was admitted into evidence. Exhibit 4 was admitted for non-hearsay purposes (hearing transcript at 108-109). Late-filed exhibit 18, on the other hand, was offered for hearsay purposes (i.e. for the truth of the matters contained in the exhibit)

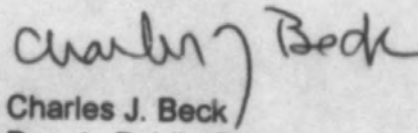
without being subjected to cross examination.

2. Wedgefield could have offered this information through its testimony if it had thought the information was pertinent to this proceeding. Staff could have offered it at hearing, either through a witness of its own or as a cross-examination exhibit of Mr. Seidman, if it had obtained the exhibit in a timely manner through discovery. Since the exhibit could have been offered at the hearing, we will not now forego our right to cross examination. Cross examination would show weaknesses and inconsistencies concerning the information contained in the exhibit.

WHEREFORE, the Citizens request the Commission to uphold Citizens' objection to late-filed exhibit 18.

Respectfully submitted,

JACK SHREVE  
PUBLIC COUNSEL



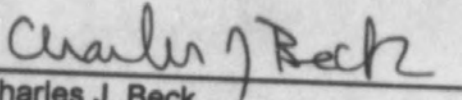
Charles J. Beck  
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Attorneys for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE**  
**DOCKET NOS. 960235-WS and 960283-WS**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by  
U.S. Mail or hand-delivery to the following parties on this 23rd day of April, 1998.

  
Charles J. Beck

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