

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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RECORDS AND  
REPORTING

IN RE: Application for )  
 Certificate No. 247-S to extend )  
 wastewater service area by ) Docket No. 981781-SU  
 transfer of Buccaneer Estates in )  
 Lee County, Florida to )  
NORTH FORT MYERS UTILITY, INC. )  
 )

MOTION TO STRIKE

Applicant, NORTH FORT MYERS UTILITY, INC. ("NFMU"), by and through its undersigned attorneys, moves to strike the "Objection to Response to Order to Show Cause and Demand for Formal Hearing" filed by Ronald Ludington, and in support thereof states:

1. On March 9, 1999, this Commission issued Order No. PSC-99-0492-SC-SU by which NFMU was ordered to show cause why it should not be fined \$5,000 for an apparent violation of Section 367.048(2), Florida Statutes. NFMU filed a timely response.

2. Mr. Ludington filed an "Objection to Response to Order to Show Cause and Demand for Formal Hearing".

3. A Show Cause proceeding is one only between the regulator, in this case, the Commission, and the regulated, in this case, NFMU. Mr. Ludington is not a party to such proceeding. Further,

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 1
- LIN 3
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS 1
- OTH \_\_\_\_\_

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neither Order No. PSC-99-0492-SC-SU, nor Commission rules provide for "objections" to a response to Order to Show Cause.

Respectfully submitted on this  
12th day of April, 1999, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
(850) 877-6555

By:   
MARTIN S. FRIEDMAN  
For the Firm

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Reconsideration has been forwarded on the 12th day of April, 1999, via U.S. Mail to Steve Reilly, Esquire, Office Of Public Counsel, 111 West Madison Street, Room 812, Tallahassee, FL 32399-1400, Cleveland Ferguson, Esquire, Florida Public Service Commission, Legal Division, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, Ronald & Gwen Ludington, 509 Avanti Way, North Fort Myers, FL 33917 and Donald Gill, 674 Brigantine Boulevard, North Fort Myers, FL 33917.

  
MARTIN S. FRIEDMAN

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