

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In Re: Investigation of utility)
rates of Aloha Utilities, Inc. in)
Pasco County, Florida)
_____)

DOCKET NO. 960545-WS

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**RESPONSE OF ALOHA UTILITIES, INC. TO MOTION
OF INTERVENORS TO STRIKE CERTAIN TESTIMONY AND EXHIBITS**

Aloha Utilities, Inc. ("Aloha"), by and through its undersigned counsel, hereby responds to the Motion Of Intervenors To Strike Certain Testimony And Exhibits and in support thereof states and alleges as follows:

1. OPC's Motion Of Intervenors To Strike Certain Testimony And Exhibits should be denied. It is in the public interest that the testimony and exhibits which are the subject of OPC's Motion be considered by this Commission. The recent continuance of this case from December 13 and 14, 1999 and tentatively to March 1 and 2, 2000, particularly supports the position of Aloha that no party will be prejudiced by placing these interrelated and important issues in front of the Commission within the context of this existing docket.

2. Whether or not the Commission deems that the testimony and exhibits which are the subject of OPC's Motion fit the technical definition of "rebuttal," it is in the public interest that those issues be placed before the Commission, within the context of this existing docket, whether considered as either direct or rebuttal testimony.

3. The testimony and exhibit of which OPC complains are not unrelated or extraneous matters. To the contrary, that testimony and those exhibits directly

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address issues inextricably intertwined with the issues in this docket and the investigation of Aloha's water quality. There is a logical basis for resolving these issues expeditiously and economically by addressing them within the context of this open docket.

4. Aloha has, on this date, caused to be filed its Motion To Supplement Direct Testimony, and would request that the Motion be granted if OPC's Motion Of Intervenors To Strike Certain Testimony And Exhibits is well-taken by the Commission.

5. Aloha hereby requests the opportunity to present oral argument on its Response To Motion Of Intervenors To Strike Certain Testimony And Exhibits.

WHEREFORE, and in consideration of the above, Aloha respectfully requests the Commission deny the Motion Of Intervenors To Strike Certain Testimony And Exhibits.

DATED this 20th day of November, 1999.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by the method indicated below to the following on this 22nd day of November, 1999:

Ralph Jaeger, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

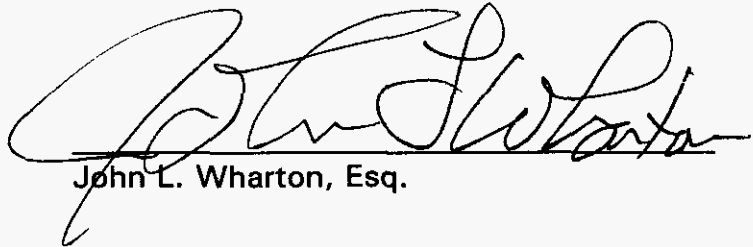
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