

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

ALOHA UTILITIES, INC.,

Petitioner/Appellant,

DCA Case No.: 1D02-2147

vs.

THE FLORIDA PUBLIC SERVICE
COMMISSION, ET. AL.

Respondents/Appellees.

MOTION TO STRIKE

Appellant, ALOHA UTILITIES, INC. ("Aloha"), by and through its undersigned attorneys moves this Court to strike the Appellee's Response to Court's Order to Show Cause and Opposition to Appellant's Amended Motion to Review Order No. PSC-02-1056-PCO-WU and Motion for Stay (hereinafter "the Response") filed by the Office of Public Counsel on September 25, 2002 and in support thereof states:

1. The Court's Order to Show Cause, dated September 10, 2002, directed responses to the same to be filed "within 10 days from the date of this Order" why the amended motion to review order should not be granted.

2. The Response was filed on September 25, 2002. The Response was not filed within 10 days from September 10, 2002 and should be stricken.

DOCUMENT NUMBER DATE

10372 SEP 27 02

WHEREFORE, Aloha Utilities, Inc. requests that this Court strike the Appellant's Amended Motion to Review Order No. PSC-02-1056-PCO-WU and Motion for Stay.

Respectfully submitted this 27th day of September, 2002.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by U. S. Mail to the following, this 27th day of September, 2002:

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