

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Forest)
Utilities, Inc. for approval)
of a new class of service for) Docket No. 030748-SU
bulk wastewater service)
_____)

FOREST UTILITIES, INC.'S MOTION TO STRIKE
LEE COUNTY'S MOTION TO DISMISS

Forest Utilities, Inc. ("Forest" or the "Utility"), pursuant to the provisions of Section 367.091(2) and Rule 28-106.204(1), Florida Administrative Code, moves to strike Lee County's Motion to Dismiss and in support thereof states as follows:

1. Lee County is authorized pursuant to the provisions of Section 367.091(2) to petition the Commission to intervene in any proceeding involving an application for new rates.

2. The provisions of Rule 28-106.204 authorized the filing of motions, which by the very nature of the rule authorizes filing of such motions by parties to a proceeding.

3. Until such time as the Commission grants intervention to Lee County, they are not a party to this proceeding and as such do not have authority to file a Motion to Dismiss any more than any other interested person who has not been granted intervenor status.

4. Once the Commission issues its Order granting intervenor status to Lee County the County may file such additional motions as it sees fit.

WHEREFORE, for the above-stated reasons, Lee County's Motion

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08143 SEP-28

FPSC-COMMISSION CLERK

to Dismiss must be stricken until such time as intervention is granted to Lee County and Lee County thereby becomes a party to this proceeding.

Respectfully submitted on this
2nd day of September, 2003 by:

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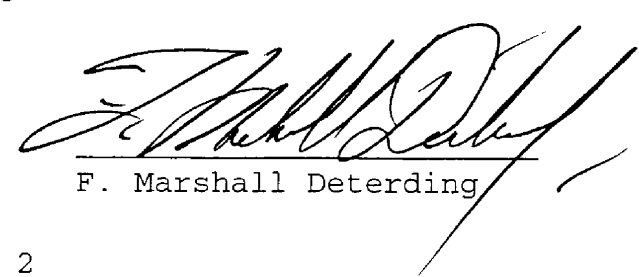
By: 
F. MARSHALL DETERDING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or Hand Delivery (denoted by *) on this 1st day of September, 2003, to the following:

Lee County
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F. Marshall Deterding