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REPLY TO ALTAMONTE SPRINGS

MARTIN S. FRIEDMAN, P.A.  
VALERIE L. LORD

October 29, 2004

HAND DELIVERY

Ms. Blanca Bayo  
Commission Clerk and Administrative Services Director  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

RECEIVED-FPSC  
04 OCT 29 AM 11:29  
COMMISSION CLERK

Re: Docket No. 030444-WS; Application by Bayside Utility Services, Inc., for Rate Increase in Bay County, Florida  
Our File No.: 30057.57

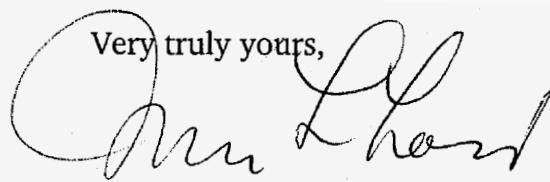
Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and seven (7) copies of the following:

- 1. Motion for Leave to Amend Direct Testimony of Steven M. Lubertozi; and
- 2. Amended Direct Testimony of Steven M. Lubertozi and Exhibits.

CMP \_\_\_\_\_  
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ECR \_\_\_\_\_  
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RCA \_\_\_\_\_  
SCR VLL/tlc \_\_\_\_\_  
SEC 1 Enclosures  
OTH kimp \_\_\_\_\_

Should you have any questions concerning the enclosed, please do not hesitate to give me a call.

Very truly yours,  
  
VALERIE L. LORD  
For the Firm

DOCUMENT NUMBER-DATE  
11701 OCT 29 04  
COMMISSION CLERK

Ms. Blanca Bayo  
October 29, 2004  
Page 2

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cc: Stephen C. Reilly, Associate Public Counsel (w/enclosures) (via Federal Express)  
Ralph Jaeger, Esquire (w/enclosures) (via Hand Delivery on 10/29/04)  
W. C. Henry, Esquire (w/enclosures) (via Federal Express)  
Mr. Steven M. Lubertozi (w/enclosures)  
Mr. Patrick C. Flynn (w/enclosures)

M:\1 ALTAMONTE\UTILITIES INC\BAYSIDE\(.57) BAYSIDE 2003 RATE CASE\PSC Clerk 029 (Revised DT of Steve Lubertozi and Mo to Amend).itr.wpd

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of  
BAYSIDE UTILITY SERVICES, INC.,  
for an increase in water and wastewater  
rates in Bay County, Florida

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DOCKET NO. 030444-WS

**MOTION FOR LEAVE TO AMEND**  
**DIRECT TESTIMONY OF STEVEN M. LUBERTOZZI**

Applicant, BAYSIDE UTILITY SERVICES, INC., by and through its undersigned attorneys, files this Motion for Leave to Amend the Direct Testimony of Steven M. Lubertozzi in this case, and in support shows:

1. In accordance with the Order Establishing Procedure dated September 20, 2004, Order No. PSC-04-0914-PCO-WS, Applicant filed the Direct Testimony of Steven M. Lubertozzi with this Commission on October 18, 2004.

2. Applicant has been advised by Commission Staff that the Prehearing Officer has extended the deadline for filing the direct testimony of Commission Staff and the intervenors.

3. Applicant wishes to amend the Direct Testimony of Steven M. Lubertozzi in order to attach the Water Services Corporation Distribution of Expenses manual for 2002, which is attached to the Application as Exhibit No. 6, and to sponsor the rate case expense exhibit already on file with this Commission in connection with Applicant's responses to data requests by Commission Staff.

4. Because the parties are already in possession of the information which Applicant wishes to include in the Direct Testimony of Mr. Lubertozzi, no one will be prejudiced by allowing Applicant to amend such testimony.

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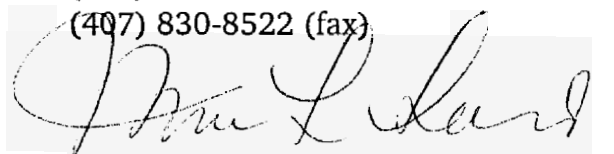
5. Allowing Applicant to amend Mr. Lubertozi's testimony will promote efficiency and economy in this case in that Applicant may be able to omit issues from its rebuttal testimony and the parties to stipulate to issues at the prehearing conference.

6. The other parties have had the benefit of the extension of time to file their testimony, and in fairness, Applicant should be allowed to amend Mr. Lubertozi's Direct Testimony.

7. Applicant's attorneys contacted all parties of record and none objected to this Motion.

Applicant, BAYSIDE UTILITY SERVICES, INC., respectfully requests that this Commission grant its request for leave to amend the Direct Testimony of Steven M. Lubertozi.

Respectfully submitted this 27th  
day of October, 2004, by:  
ROSE, SUNDSTROM & BENTLEY, LLP  
600 S. North Lake Boulevard, Suite 160  
Altamonte Springs, Florida 32701  
(407) 830- 6331  
(407) 830-8522 (fax)



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VALERIE L. LORD  
For the Firm

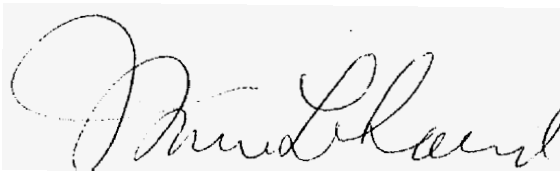
**CERTIFICATE OF SERVICE**  
**DOCKET NO. 030444-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing MOTION FOR LEAVE TO AMEND DIRECT TESTIMONY OF STEVEN M. LUBERTOZZI has been furnished by hand delivery or Federal Express to the following parties on this 27th day of October, 2004:

Stephen C. Reilly, Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

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VALERIE L. LORD, ESQ.