

Ruth Nettles

From: DAVIS.PHYLLIS [DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Wednesday, March 04, 2009 3:43 PM
To: Filings@psc.state.fl.us
Cc: wayforehand@verizon.net; REILLY.STEVE; Jean Hartman; John Wharton; Marshall Deterding; Patti Zellner
Subject: 060122-WU and 060606-WS Filing
Attachments: Citizens' Motion to Strike Aloha's Reply.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Stephen C. Reilly, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
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reilly.steve@leg.state.fl.us

b. Docket No. 060122-WU

In re: Application for limited proceeding increase in water rates in Pasco County, by Aloha Utilities, Inc.

Docket No. 060606-WS

In Re: Progress reports on implementation of Anion Exchange in Pasco County, filed by Aloha Utilities, Inc. pursuant to Order No. PSC-06-0270-AS-WU

c. There are a total of 2 pages.

d. Motion to Strike Aloha Utilities, Inc.'s Reply To The Citizens' Response To Aloha's Request For Contingent Release Of Escrow Monies

Phyllis W. Philip-Guide
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DOCUMENT NUMBER-DATE

01779 MAR-4 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for limited proceeding
increase in water rates in Pasco County,
by Aloha Utilities, Inc.

Docket No. 060122-WU

In Re: Progress reports on implementation
of Anion Exchange in Pasco County, filed
by Aloha Utilities, Inc. pursuant to
Order No. PSC-06-0270-AS-WU.

Docket No. 060606-WS

**CITIZENS' MOTION TO STRIKE ALOHA'S REPLY TO THE CITIZENS' RESPONSE
TO ALOHAS' REQUEST FOR CONTINGENT RELEASE OF
ESCROW FUNDS**

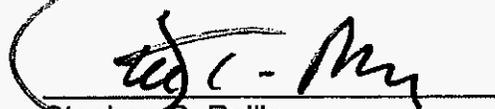
The Citizens of the State of Florida ("Citizens"), by and through their undersigned attorney, with the Office of Public Counsel ("OPC"), file this Motion to Strike Aloha Utilities, Inc.'s ("Aloha", "Utility" or "Company") Reply To the Citizens' Response To Aloha's Request For Contingent Release Of Escrow Monies, and state:

1. As tempting as it is to respond to Aloha's most recent example of hyperbole and mischaracterization of the facts, the Citizens shall refrain from responding.
2. We refrain from responding because there is absolutely no authority in the Model Rules or the Commission's Procedural Rules for a responsive pleading to a Reply to a Response to a Motion. Likewise, there is absolutely no authority in the Model Rules or the Commission's Procedural Rules for a Party to file a Reply to a Response to a Party's original Motion.

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FPSC-COMMISSION CLERK

WHEREFORE, for the reason stated above, the Citizen's request the Commission to strike all of Aloha's Reply To The Citizens' Response To Aloha's Request For Contingent Release Of Escrow Monies, and to refuse to consider the arguments contained therein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen C. Reilly", is written over a horizontal line. The signature is stylized and cursive.

Stephen C. Reilly
Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
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(850) 488-9330

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. Mail to the following parties this 4th day of March, 2009.

Jean Hartman, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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Stephen C. Reilly