

Diamond Williams

From: Trina Collins [TCollins@RSBattorneys.com]
Sent: Monday, October 31, 2011 2:24 PM
To: Filings@psc.state.fl.us
Cc: reginaldburge@bellsouth.net; aquarinautilities@bellsouth.net; Martin Friedman; Trina Collins
Subject: Filing in Docket No. 110061-WS; Aquarina Utilities, Inc.'s Application for Authority to Transfer the Assets of Service Management Systems, Inc., and Certificate Nos. 517-W and 450-S to Aquarina Utilities, Inc. in Brevard County, Florida

Importance: High

Attachments: PSC Clerk 13 (Motion to Strike Reply).ltr.pdf

- a. Martin S. Friedman, Esquire
ROSE, SUNDSTROM & BENTLEY, LLP
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Lake Mary, Florida 32746
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Email: mfriedman@rsbattorneys.com
- b. Docket No. 110061-WS; Aquarina Utilities, Inc.'s Application for Authority to Transfer the Assets of Service Management Systems, Inc., and Certificate Nos. 517-W and 450-S to Aquarina Utilities, Inc. in Brevard County, Florida - Filing the Utility's Motion to Strike James I. Minnes' Reply to Aquarina Utilities, Inc.'s Response to Motion to Compel.
- c. Aquarina Utilities, Inc.
- d. 3 pages.
- e. Letter to Commission Clerk - 1 page; and Motion to Strike Reply - 2 pages.

DOCUMENT NUMBER DATE

08001 OCT 31 =

FPSC-COMMISSION CLERK

10/31/2011

LAW OFFICES

ROSE, SUNDBSTROM & BENTLEY, LLP

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Please Respond to the Lake Mary Office

October 31, 2011

VIA E-FILING

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ROBERT M.C. ROSE, (1924-2006)

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

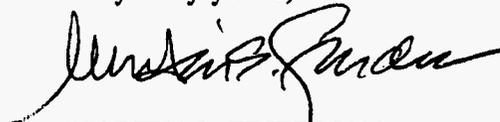
RE: Docket No. 110061-WS; Application for Authority to Transfer the Assets of Service Management Systems, Inc., and Certificate Nos. 517-W and 450-S to Aquarina Utilities, Inc. in Brevard County, Florida
Our File No.: 45052.01

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is Aquarina Utilities, Inc.'s Motion to Strike James I. Minnes' Reply to Aquarina Utilities, Inc.'s Response to Motion to Compel.

Should you or the Staff have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF/tlc
Enclosures

cc: Mr. James I. Minnes (w/enclosures) (via U.S. Mail)
Mr. Dennis Basile, Receiver (w/enclosures) (via U.S. Mail)
Keino Young, Esquire, Office of the General Counsel (w/encs.) (via U.S. Mail)
J.R. Kelly/Stephen C. Reilly, Esq., Office of Public Counsel (w/encs.) (via U.S. Mail)
Mr. Reginald J. Burge (w/enclosures) (via e-mail)
Mr. Keith Burge (w/enclosures) (via e-mail)

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M:\1 ALTAMONTE\AQUARINA UTILITIES (45052)\(.01) Transfer of Aquarina System\TRANSFER\FSC Clerk 13 (Motion to Strike Reply).ltr.doc

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Authority to Transfer)
the Assets of SERVICE MANAGEMENT)
SYSTEMS, INC., and Certificate Nos.)
517-W and 450-S in Brevard County,)
Florida to AQUARINA UTILITIES, INC.)
_____)

DOCKET NO. 110061-WS

AQUARINA UTILITIES, INC.'S
MOTION TO STRIKE REPLY

AQUARINA UTILITIES, INC. ("AUI"), by and through its undersigned counsel, files this Motion to Strike James I. Minnes' Reply to Aquarina Utilities, Inc.'s Response to Motion to Compel (Document 07754-11), and in support thereof states:

1. James I. Minnes filed a Motion to Compel AUI to produce certain documents (Document 07534-11). AUI subsequently filed a Response to Mr. Minnes' Motion (Document 07633-11). Mr. Minnes then filed the Reply that is the subject of this Motion to Strike.

2. The rules of procedure do not allow for the filing of a Reply to a Response. As this Commission stated in Order No. PSC-0345-FOF-SU, issued March 11, 1996:

Moreover, our rules do not contemplate a reply to a response. The pleading cycle must stop at a reasonable point. Therefore, we find it appropriate to grant OPC's motion to strike.

3. In fact, Mr. Minnes' Reply shows why a reply to a response is unnecessary. Mr. Minnes' reply does not really reply to anything, but merely requiritates the argument he made in his original Motion.

4. The rules have not changed since this Commission rendered the opinion in 1996.

WHEREFORE, AQUARINA UTILITIES, INC. requests this Court strike James I. Minnes' Reply to Aquarina Utilities, Inc.'s Response to Motion to Compel.

DOCUMENT NUMBER-DATE

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CERTIFICATE OF SERVICE
DOCKET NO. 110061-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Strike Reply has been E-Filed with the PSC Clerk and furnished by U.S. Mail to the following parties this 31st day of October, 2011:

JAMES I. MINNES
25 Grovehurst Drive
Ottawa, Ontario
Canada K2G 6W1

JAMES I. MINNES
208 Osprey Villas Court
Melbourne Beach, FL 32951

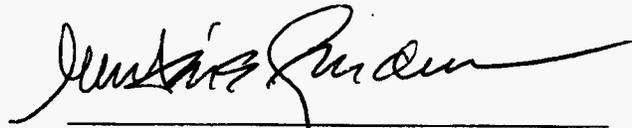
Mr. Dennis Basile, Receiver
Service Management Systems, Inc.
826 Creel Street
Melbourne, FL 32935-5992

Keino Young, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard, Room 301D
Tallahassee, FL 32399-0850

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

Respectfully submitted on this 31st day of
October, 2011 by:

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Attorney for Applicant