

**Marguerite McLean**

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**Sent:** Friday, November 04, 2011 4:39 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** 'Bruce May'; Caroline Klancke; 'cecilia\_bradley@oag.state.fl.us'; 'Gigi Rollini'; 'Joseph Davis'; 'Kenneth M. Curtin'; 'Kimberly A. Joyce'; Ralph Jaeger; 'cecilia\_bradley@oag.state.fl.us'; Lisa Bennett; REILLY.STEVE; CHRISTENSEN.PATTY  
**Subject:** E-Filing (Dkt. No. 100330-WS) OPC's MOTION TO STRIKE SUPPLEMENTAL REBUTTAL TESTIMONY  
**Attachments:** MOTION TO STRIKE SUPPLEMENTAL REBUTTAL TESTIMONY.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Patricia A. Christensen,  
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b. Docket No. 100330-WS

In re: Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 4 pages.

e. The document attached for electronic filing is the Office of Public Counsel's MOTION TO STRIKE SUPPLEMENTAL REBUTTAL TESTIMONY FILED BY AQUA

Thank you for your attention and cooperation to this request.

Phyllis W. Philip-Guide  
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DOCUMENT NUMBER-DATE

08180 NOV-4 =

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Application for increase in water and  
wastewater rates in Alachua, Brevard,  
DeSoto, Highlands, Lake, Lee, Marion,  
Orange, Palm Beach, Pasco, Polk, Putnam  
Seminole, Sumter, Volusia, and Washington  
Counties by Aqua Utilities Florida, Inc.

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DOCKET NO. 100330-WS

FILED: November 4, 2011

**MOTION TO STRIKE SUPPLEMENTAL REBUTTAL TESTIMONY**  
**FILED BY AQUA**

The Citizens of the State of Florida, by and through the Office of Public Counsel, file this Motion to Strike Supplemental Rebuttal Testimony filed November 3, 2011. As grounds in support of this Motion, Citizens state as follows:

1. By Order No. PSC-11-0309-PCO-WS, the Commission established the procedures to be followed in this docket.
2. Pursuant to the Order Establishing Procedure (OEP), rebuttal testimony was due on October 27, 2011.
3. On November 3, 2011, AUF filed "supplemental" rebuttal testimony for Rendell, Chamber, and Luitweiler, one week after rebuttal testimony was due pursuant to the OEP.
4. AUF failed to file any motion requesting a change in the rebuttal testimony date or provide any justification why it could not file this "supplemental" rebuttal testimony in a timely manner. The Commission has not granted leave for AUF to file "supplemental" rebuttal testimony.

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5. All of the Service Hearings in this matter were concluded by October 12, 2011, two weeks prior to the rebuttal testimony filing due date. Citizens were able to include comments regarding the most recent customer hearings within the scheduled rebuttal testimony filing date and see no reason why AUF with its employees who attended the hearing could not meet the same scheduled deadline.

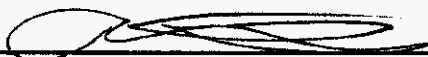
6. Further, much of the purported "supplemental" testimony is actually testimony that could have and should have been addressed in rebuttal testimony in a timely manner. These are not "newly discovered facts" that were not known prior to the scheduled rebuttal testimony filing date.

7. AUF requested customers' personal information at each Service Hearing held in August, September, and October; therefore, there was no need to wait on transcripts to file rebuttal testimony. Moreover, Citizens did not wait on the transcripts to address the issues raised by the service hearings in rebuttal.

8. Citizens are unduly prejudiced by AUF's blatant attempt to get a second and third opportunity to challenge its customers. First, AUF should have utilized their opportunity to cross examine the customers when they presented live testimony and all of the other parties were present and which would have afforded customers with the ability to rebut AUF. Second, AUF should have utilized the opportunity to address customer issues by the established deadline set by the OEP. Now, AUF wants this Commission to give them a third opportunity to unfairly attack their customers in "supplemental" rebuttal testimony, The Commission should strike this obvious flouting of the Commission's procedures and other parties due process rights.

WHEREFORE, Citizens request that the Prehearing Officer strike AUF's "supplemental" rebuttal testimony.

**J.R. KELLY**  
PUBLIC COUNSEL

  
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Attorney for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was furnished by e-mail and U.S.

Mail this 4th day of November, 2011 to:

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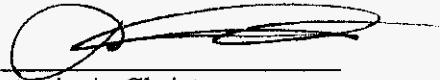
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