

BEFORE THE STATE OF FLORIDA PUBLIC SERVICE COMMISSION

ROBERT D. REYNOLDS and JULIANNE C.  
REYNOLDS

Complainants,

v.

UTILITY BOARD OF THE CITY OF KEY  
WEST, FLORIDA d.b.a KEYS ENERGY  
SERVICES,

Docket No. 120054

Respondents.

---

**COMPLAINANTS, ROBERT D. REYNOLDS AND JULIANNE C. REYNOLDS’  
REQUEST FOR ORAL ARGUMENT IN CONNECTION WITH OPPOSITION TO  
RESPONDENT, UTILITY BOARD OF THE CITY OF KEY WEST, FLORIDA D.B.A  
KEYS ENERGY SERVICES’ RESPONSE TO COMPLAINT AND MOTION TO  
DISMISS**

Complainants, ROBERT D. REYNOLDS and JULIANNE C. REYNOLDS (collectively, “Complainants”), by and through undersigned counsel and pursuant to Rule 25-22.0022, F.A.C., file their Request for Oral Argument in connection with their Opposition to the Respondent, UTILITY BOARD OF THE CITY OF KEY WEST, FLORIDA d.b.a KEYS ENERGY SERVICES’ (“KES”) Response to Complaint and Motion to Dismiss (“Motion to Dismiss”), and in support thereof state as follows:

1. Concurrently with this Request for Oral Argument, the Complainants have filed and served their Opposition to the Respondent, UTILITY BOARD OF THE CITY OF KEY WEST, FLORIDA d.b.a KEYS ENERGY SERVICES’ Response to Complaint and Motion to Dismiss.

2. Pursuant to Rule 25-22.0022, F.A.C., oral argument must be sought by separate written request filed concurrently with the motion on which argument is requested.

3. In its Motion to Dismiss, which was only four paragraphs long, KES argues that the existence of facts beyond the four corners of the Complainants' Complaint moots said Complaint and attaches documents and agreements that occurred after the Complainant's Complaint was filed in support of its argument.

4. In their Opposition, the Complainants argue that KES' four paragraph Motion to Dismiss: (1) introduces facts not contained within the four corners of the Complainant's Complaint; (2) does not render the Complainants' Complaint moot; and (3) was not timely filed with this Commission.

5. A hearing on KES' Motion to Dismiss and the Complainants' Opposition will allow clarification and additional argument regarding the facts and relief sought by the Complainants that KES argues have been rendered moot by its documents and agreements that were not contained within the four corners of the Complainants' Complaint. A hearing will also allow clarification and additional argument for the Complainants' points in their Opposition.

6. Such clarification and additional argument would aid the Commissioners, the Prehearing Officer, or the Commissioner appointed by the Chair to conduct a hearing in understanding and evaluating the issues to be decided, namely that the Complainants' arguments and relief were not rendered moot by the new facts alleged in KES' Motion to Dismiss.

7. The Complainants would request (30) thirty minutes for oral argument on KES' Motion to Dismiss and their Opposition.

WHEREFORE, Complainants ROBERT D. REYNOLDS and JULIANNE C. REYNOLDS, respectfully request the Commission enter an Order granting the Complainants' Request, requiring oral argument before the Commission on the Respondent's, UTILITY BOARD OF THE CITY OF KEY WEST, FLORIDA d/b/a KEYS ENERGY SERVICES

Response to Complaint and Motion to Dismiss, and granting such other relief the Commission may deem appropriate.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail and Electronic Mail to Nathan E. Eden, Esq., NATHAN E. EDEN, P.A. 302 Southard Street, Suite 205, Key West, Florida 33040 this 2<sup>nd</sup> day of April, 2012.

Respectfully submitted,

BARTON SMITH, P.L.  
624 Whitehead Street  
Key West, Florida 33040  
Telephone: 305-296-7227  
Facsimile: 305-296-8448

/s/ Barton W. Smith, Esq.

Barton W. Smith, Esq.  
Florida Bar No. 20169  
Patrick M. Flanigan, Esq.  
Florida Bar No. 47703  
Gregory S. Oropeza, Esq.  
Florida Bar No. 56649