

Eric Fryson

From: Dana Rudolf [drudolf@sfflaw.com]
Sent: Thursday, July 05, 2012 9:41 AM
To: Filings@psc.state.fl.us
Cc: Martin Friedman; minnes.j@gmail.com; Keino Young
Subject: 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

Attachments: Motion to Strike Reply2.pdf

- a) Martin S. Friedman, Esquire
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- b) 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
- c) Aquarina Utilities, Inc.
- d) 2 pages
- e) Motion to Strike Reply.

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 dated July 4, 2012, and in support thereof states:

1. James I. Minnes filed a Motion to Compel AUI to produce the person financial statements of Reginald and Lois Berge (Document 04246-12). AUI subsequently filed a Response to Mr. Minnes' Motion (Document 04344-12). Mr. Minnes then filed the Reply that is the subject of this Motion to Strike. Even though Mr. Minnes is *pro se*, he must nonetheless comply with the procedural Rules of this Commission.

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 regurgitates the argument he made in his original Motion.

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

DOCUMENT NUMBER DATE

04455 JUL -5 02

FPSC-COMMISSION CLERK

WHEREFORE, AQUARINA UTILITIES, INC. requests this Court strike James I. Minnes' Reply to Aquarina Utilities, Inc.'s Response to Motion to Compel and further Order that he comply with the Commission's procedural Rules..

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 5th day of July, 2012:

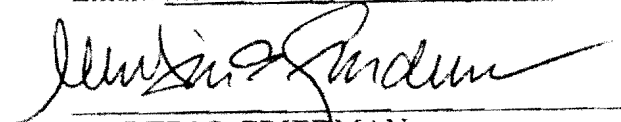
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Respectfully submitted on this 5th day of
July, 2012 by:

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