

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Rate Increase)
in Martin County by SAILFISH POINT)
UTILITY CORPORATION)
_____)

Docket No.: 900816-WS
Submitted for filing:
June 20, 1991

FINAL
FILE COPY

UTILITY'S SUPPLEMENT TO
MOTION TO STRIKE
ADDENDUM AND TO STRIKE ALL PRE-FILED
TESTIMONY AND EXHIBITS OF ROGER W. RASMUSEN

COMES NOW Sailfish Point Utility Corporation, Petitioner for a rate increase in the above styled proceeding, and in support of its Motion states that:

1. On June 18, the Utility filed its Motion to Strike Addendum and to Strike All Pre-Filed Testimony and Exhibits of Roger W. Rasmusen.

2. The undersigned counsel was advised by telephone from the Public Service Commission Staff Attorney that the SPOR Intervenors would have until the close of business on Wednesday, June 19, to identify on RWR-6 all issues to which each page listed would apply. The Utility then would have one (1) day, until the close of business on Thursday, June 20, either to modify its Motion to Strike, file additional rebuttal testimony, or to take such other action as it deemed appropriate. Those rulings were memorialized in Order No. 24681 issued June 19, 1991.

3. The Utility hereby adopts and restates its Motion to Strike Addendum and to Strike All Pre-Filed Testimony and Exhibits of Roger W. Rasmusen filed June 18. In addition, this Supplement to Motion to Strike addresses the modified Addendum received by facsimile from Intervenor on Wednesday, June 19.

4. In addition to the grounds stated in its original Motion to Strike, the Utility moves to strike on the grounds that the pages identified in RWR-6 are not relevant to the issues identified thereon.

5. The testimony and exhibits currently sought to be relied upon by the SPOR Intervenors take the same approach, and in many instances are exactly the same documents, which were set forth in the Response of Sailfish Point Property Owners Representatives and Charles R. Buckridge to Utility Objection to Petition for Leave to Intervene filed March 29, 1991. Therefore, as a part of this Supplement to Motion to Strike, the Utility hereby adopts and incorporates its motion, and the exhibits filed with, the April 9, 1991 Motion to Strike Response of Sailfish Point Property Owners Representatives and Charles R. Buckridge to Utility Objection for Leave to Intervene. Copies of that motion and exhibits previously have been filed today with the Commission and served on all parties.

6. Furthermore, the documents identified in RWR-6, besides failing to support the contentions by SPOR in issues 4 and 5, do not establish any fact either compelling or authorizing the Commission to make any finding in this utility rate case. The documents designated in RWR-6 are Offering Statements, Zoning Agreements or Covenants between the Developer and lot purchasers. None of those documents establish the cost of utility facilities. Those costs are contained in the books and records of the utility, and are summarized in the MFR. None of those documents establish the portions of the utility's facilities that are used and useful in serving the public. Used and useful is determined from

evaluating the records and operations of the utility. None of those documents establish the service availability charges authorized by this Commission or record the amounts collected and recorded as CIAC. That information is found in the books and records of the utility and in its tariffs and is summarized in the MFR. None of those documents bind this Commission nor does Commission regulate those documents. They are just irrelevant of the proceeding at hand.

7. The documents listed in RWR-6 were originally filed by SPOR to challenge ownership of the lines and mains by the Utility, an issue which the Prehearing Officer has now ruled is beyond the jurisdiction of the Public Service Commission.

WHEREFORE, Sailfish Point Utility Corporation renews its motion to strike the Addendum and all the SPOR exhibits as well as the prefiled testimony of Mr. Rasmusen.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to Stephen C. Reilly, Esq.*, Office of Public Counsel, 111 West Madison Street, 812 Claude Pepper Building, Tallahassee, FL 32399-1400, Wm. Reeves King, Esq.*, 500 Australian Avenue So., Suite 600, Clearlake Plaza, West Palm Beach, FL 33401, and Catherine Bedell, Esq.*, Florida Public Service Commission, Division of Legal Services, 101 East Gaines Street, Tallahassee, FL 32399-0873 by hand deliver, this 20th day of June, 1991.

* Served by Facsimile



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