

WITHIN THE REQUIRED TIME FRAME AS COMMISSION RECORDS WILL SHOW AND DEMONSTRATE AS PETITIONER/COMPLAINANT MAILED ONCE AGAIN FOLLOWED THE SAME ROUTE IN SUBMITTING IT'S RESPONSE BY OVERNIGHT MAIL TO THE COMMISSION SO THAT A U.S. POSTAL RECORD WOULD BE AVAILABLE TO VERIFY THE RECEIPT DATE. THE COURTESY COPY OR RESPONDENT COPY WAS ONCE AGAIN DROPPED INTO A U.S. MAIL SERVICE RECEPTACLE FOR REGULAR MAILING ALONG WITH OTHER BUSINESS MAILING ON THE DATE OF CERTIFICATION.

THE BEST EVIDENCE OF PETITIONER'S/ COMPLAINANT'S COMPLIANCE WITH ALL APPLICABLE RULES RELATING TO THIS ISSUE IS TO BE FOUND IN THE COMMISSION'S OWN RECORDS WHICH DEMONSTRATE TIMELY FILING WAS INDEED DONE. SINCE THE RECORD CONTAINS EVIDENCE OF TIMELY FILINGS; RESPONDENT'S ARGUMENTS AND CITATIONS SHOULD THEREFORE BE CONSIDERED MOOT AND ALL MOTIONS TO STRIKE DENIED.

ADDITIONALLY, FLORIDA RULES OF CIVIL PROCEDURE REQUIRES A PARTY MAKING SUCH A MOTION TO CONTACT THE ADVERSE PARTY IN AN EFFORT TO RESOLVE THE ISSUES OF SAID MOTION PRIOR TO FILING SAID MOTION. IF RESPONDENT'S FLORIDA BAR CERTIFIED COUNSEL HAD ADHERED TO THE RULE; RESPONDENT WOULD HAVE NOT HAD TO FILE IT'S MOTIONS. ADDITIONALLY BEFORE ARGUING UNTIMELY FILING, RESPONDENT HAD RESPONSIBILITY TO VERIFY THE COURT OR COMMISSION HAD NOT RECEIVED THE PLEADINGS COMPLAINED OF.

RESPONDENT'S MOTIONS ARE NOTHING MORE THAN A BASELESS FARCE DESIGNED TO DETRACT ATTENTION AWAY FROM PERTINENT FACTUAL MATERIAL OBTAINED FROM THE RESPONDENT'S RECORDS AND COMMISSION RECORDS; THIS IS A CONTINUANCE OF THE DISHONEST AND DISREPUTABLE BEHAVIOR OF THE RESPONDENT THROUGHOUT THIS WHOLE PROCEDURE.

THE PUBLIC SERVICE COMMISSION IS CHARGED BY THE STATE OF FLORIDA WITH THE RESPONSIBILITY TO ENSURE PUBLIC UTILITIES OPERATE WITHIN IT'S RULES SET FOR THE FAIR OPERATION OF SUCH UTILITIES IN ORDER TO PROTECT THE PUBLIC INTEREST AGAINST ABUSES BY SUCH UTILITIES. IN THE INSTANT CASE; COMMISSION RULES REQUIRE AN ISSUANCE OF A CERTIFICATE OF DEPOSIT; SOMETHING WHICH IF IT HAD BEEN DONE IN COMPLIANCE WITH THE RULE WOULD HAVE ASSURED THIS CASE WOULD NOT HAVE EXISTED IN THE FIRST PLACE. HOWEVER; NOT ONLY DOES THE RESPONDENT NOT HAVE SUCH A CERTIFICATE; BUT SET UPON A COURSE OF ORAL ARGUMENTATION ASSERTING A VERBAL STATEMENT THAT MR. BYRD ASKED FOR THE ACCOUNT TO BE SET UP IN A CERTAIN WAY; DESPITE MR. BYRD'S SWORN ASSERTION THAT HE HAD NO MEMORY OF SUCH A REQUEST. ADDITIONALLY, THE ADMINISTRATIVE LAW JUDGE IN HIS RECOMMENDED ORDER; STATES MR. BYRD WENT INTO THE UTILITY TO OPEN AN ACCOUNT IN THE PARTNERSHIP'S NAME; ONLY TO FURTHER IN HIS ORDER STATE THE OPPOSITE. THE ORDER IS FACTUALLY FLAMED AND REVERSIBLE ERROR IS PRESENT AS STATED IN

PLAINTIFFS' WRITTEN EXCEPTIONS. RESPONDENT AGAIN DUE TO IMPROPER RECORDS KEEPING RESULTED TO ORAL ASSERTIONS REGARDING YET A SECOND DEPOSIT; ABSENT ANY WRITTEN RECORDS TO SUBSTANTIATE THOSE ORAL REPRESENTATIONS; ABOUT A PETTY CASH ENTRY AND COMBINING PAYMENTS. YET PETTY CASH RECORDS SHOW NO WRITTEN ENTRY OF ANY OF PLAINTIFF'S PAYMENTS; ALTHOUGH Ms. KEITT ENTERED THE PETTY CASH ACCOUNT AT LEAST TWO TIMES PRIOR TO THE 28TH OF AUGUST 1996; WHICH IS ALSO IN DIRECT OPPOSITION TO HER SWORN STATEMENT; THAT SHE PLACED FUNDS THERE AND DID NOT REALIZE SHE HAD FORGOTTEN ABOUT THEM UNTIL HER NEXT ENTRY INTO PETTY CASH SUPPOSEDLY OCCURRED ON AUGUST 28TH, 1996. IT DOES NOT TAKE A PERSON WITH ABOVE AVERAGE INTELLIGENCE TO REALIZE THE FALSITY PRESENT IN FPU'S ASSERTIONS; AND THE CIRCUMSTANCES FROM WHICH THEY ARISE; CLEARLY ARE INDICATIVE OF A COMPANY IN VIOLATION OF THE RULES CONCOCTING STORY AFTER STORY TO TRY AND COVER THEIR WRONGDOINGS. EVEN TROY'S BELATED ASSERTION ABOUT IRRATIONALITY AS AN EXCUSE FOR WRONGFULLY TERMINATING SERVICE; BLATANTLY DEMONSTRATE THIS ACTIVITY; THROUGH TWO COMMISSION HEARINGS TWO INFORMAL CONFERENCES AND TWO DAYS OF HEARINGS; FPU EITHER IN DOCUMENTATION OR ORAL ASSERTION MADE NO REFERENCE TO ANY IRRATIONALITY; ONLY AFTER TROY SAW ALL OF THEIR DEFENSES FALLING APART DID HE AND HIS COUNSEL CONCOCT THIS IRRATIONALITY SCENARIO. DESPITE NUMEROUS DOCUMENTATION SUPPLIED BY TROY TO THE COMMISSION AND IN RESPONSE TO NOTICES TO PRODUCE; BEARING ABSOLUTELY NO REFERENCE TO ANY SUCH IRRATIONALITY. FPU SEEKS BY SKIRTING AROUND THE EDGES OF THE TRUTH AND CITATION OF VARIOUS RULES TO AVOID THE COLD STARK REALIZATION OF FACT; AND THAT FACT IS THAT THIS COMPANY NOT ONLY VIOLATED RULES, BUT EXPOSED AN OPEN ARROGANCE AND CALLOUSNESS FOR OPERATING IN A HONEST FASHION WITH THE CITIZENS OF THIS STATE. AN ATTITUDE THAT SHOULD NOT BE TOLERATED.

THE COMMISSION SHOULD CONSIDER ALL FACTUAL DATA AVAILABLE TO IT IN DETERMINING COMPLIANCE; TO DO OTHERWISE WOULD VIOLATE LEGISLATIVE INTENT. LIKEWISE A VIOLATION OF IT'S RULES IN ANY FASHION BY A UTILITY CAN NOT AND SHOULD NOT BE TOLERATED, FOR TO DO SO CIRCUMVENTS IT'S PURPOSE FOR EXISTANCE. TO DO OTHERWISE; WOULD GIVE THE IMPRESSION THAT THE COMMISSION EXISTS TO REPRESENT THE INTERESTS OF THE UTILITIES AND NOT THE CITIZENS OF THE STATE OF FLORIDA.

WHEREFORE: PLAINTIFFS'/COMPLAINANTS REQUEST THAT ALL RESPONDENTS' MOTIONS TO STRIKE BE DENIED.

RESPECTFULLY SUBMITTED THIS 6th DAY OF AUGUST 1998.



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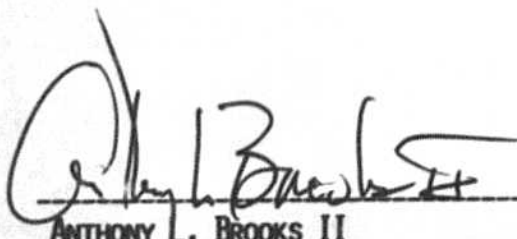
CERTIFICATE OF SERVICE:

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING WAS FURNISHED BY
U.S. MAIL DELIVERY TO:

MS. KATHRYN CONDERY; ATTORNEY FOR RESPONDENT
3301 THOMASVILLE ROAD, SUITE 300
TALLAHASSEE, FLORIDA 32312

AND:

MR. BOB ELIAS,
DIVISION OF LEGAL SERVICES
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850
THIS 6th DAY OF AUGUST 1998.



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